



Eugene Hearings Official

Phone: 541-682-5377
www.eugene-or.gov/hearingsofficial

AGENDA

Meeting Location:
Atrium Building – Sloat Room
99 West 10th Avenue

The Eugene Hearings Official welcomes your interest in these agenda items. Feel free to come and go as you please at any of the meetings. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours notice. To arrange for these services, contact the Planning Division at (541)682-5481.

WEDNESDAY, November 20, 2013 **(5:00 p.m.)**

I. PUBLIC HEARING ON ZONE CHANGE

Perry, Richard (Z 13-10)

Assessors Map: 17-04-29-11 **Tax Lot:** 400
Location: 750 North Terry
Request: Change of zoning from AG Agricultural to R-1 Low Density Residential
Applicant: Richard Perry
Applicant's Representative: Richard Perry
Lead City Staff: Becky Taylor, Associate Planner
Telephone: (541) 682-5437
E-mail: becky.g.taylor@ci.eugene.or.us

II. PUBLIC HEARING ON TENTATIVE PLANNED UNIT DEVELOPMENT AND TRAFFIC IMPACT ANALYSIS

Bailey Hill Apartments (PDT 13-2 & TIA 13-4)

Assessors Map: 17-04-34-41 **Tax Lot:** 1500
Location: West 13th and Bailey Hill Road
Request: 252 multi-family housing units
Applicant: Bailey Hill Partners, LLC
Applicant's Representative: Scott Reiter, Reiter Design Group
Lead City Staff: Zach Galloway, Associate Planner
Telephone: (541) 682-5485
E-mail: zach.a.galloway@ci.eugene.or.us

Public Hearing Format:

1. Staff introduction/presentation
2. Public testimony from applicant and others in support of application.
3. Comments or questions from interested persons who neither are proponents nor opponents of the proposal.
4. Public testimony from those in opposition to application.
5. Staff response to testimony.
6. Questions from Hearings Official.
7. Rebuttal testimony from applicant.
8. Closing of public hearing.

The Hearings Official will not make a decision at this hearing. The Eugene Code requires that a written decision must be made within 15 days of close of the public comment period. To be notified of the Hearings Official's decision, fill out a request form at the public hearing or contact the lead City staff as noted above. The decision will also be posted at www.eugene-or.us/hearingsofficial.



ZONE CHANGE STAFF REPORT

PERRY, RICHARD (Z 13-10)

Applicant/File Name (Numbers):

Perry, Richard (Z 13-10)

Applicant's Request:

To rezone the subject property from AG, Agricultural to R-1, Low-Density Residential

Subject Property; Location:

West side of North Terry Street, south of Royal Avenue (750 North Terry Street); Tax Lot 400 of Assessor's Map 17-04-29-11 (approximately 0.45 acre; 19,602 square feet)

Relevant Dates:

Application submitted on September 24, 2013; application deemed complete on October 4, 2013; public hearing scheduled for November 20, 2013.

Lead City Staff:

Becky Taylor, Associate Planner, Eugene Planning Division, Phone: (541) 682-5437.

Background and Present Request

The applicant is requesting to rezone the subject property from AG, Agricultural to R-1, Low-Density Residential. The half-acre property is currently developed with a single-family dwelling, with driveway access onto North Terry Street, abutting the east property boundary. Adjacent lands are also developed with single-family dwellings. Lands to the south are zoned R-1, whereas lands to the west and north are zoned AG. The properties to the north are outside City limits, as an island of unincorporated territory at the southwest corner of Royal Avenue and North Terry Street.

The subject property was annexed in 2006, as part of the Royal Avenue Properties LLC annexation (A 06-21), which included approximately 28 acres. Surrounding properties were given the opportunity to be included in the annexation, at the property owners' request. The subject property, and about eight other properties, elected to be included in the annexation.

The Eugene Code (EC) requires City staff to prepare a written report concerning the subject land use application. In accordance with the Type III land use application procedures at EC

9.7320, the staff report is made available seven days prior to the public hearing, to allow citizens an opportunity to review the staff analysis of the application. The staff report provides only preliminary information and recommendations. The Hearings Official will consider additional public testimony and other materials presented at the public hearing before making a decision on the application. Pursuant to EC 9.7330, the Hearings Official's written decision on the application is made within 15 days from the close of the public record, following the public hearing. The quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Referrals/Public Notice

This zone change application was deemed complete on October 4, 2013. Staff provided information concerning the application to other appropriate City departments, the Oregon Department of Transportation (ODOT), public agencies, and the affected neighborhood group (Northeast Neighbors) on October 10, 2013. Staff also mailed notice of the proposed zone change to the Oregon Department of Land Conservation and Development (DLCD) on October 18, 2013.

On October 16, 2013, staff mailed public notice of the proposed zone change and the hearing date to owners and occupants within 500 feet of the subject property. As of the date of this report, no public comments have been received. Any comments received after the staff report will be forwarded to the Hearings Official at the public hearing.

Staff Analysis

The Eugene Code, EC 9.7330 and 9.8865, requires the Hearings Official to review an application for a zone change and consider pertinent evidence and testimony as to whether the proposed change is consistent with the criteria required for approval, shown below in **bold** typeface.

EC 9.8865(1): The proposed zone change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The Metro Plan designates the subject property as Low-Density Residential. The requested zone change to R-1, Low-Density Residential will bring the property into compliance with the plan designation. In regards to Metro Plan policies, the following appears to be relevant.

- A.2 Residentially designated land within the UGB should be zoned consistent with the Metro Plan and applicable plans and policies; however existing agricultural zoning may be continued within the area between the city limits and the UGB until rezoned for urban uses. (Page III-A-5)

Although this policy does not read as a mandatory approval criterion for the zone change, the applicant's requested zoning fulfills this policy. Based on these findings, staff finds that the proposed zone change is consistent with applicable provisions of the Metro Plan.

EC 9.8865(2): The proposed change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The applicable adopted refinement plan for the area of the proposed zone change is the Bethel-Daneobo Refinement Plan (BDRP). The BDRP designates the subject property as Low-Density Residential, consistent with the applicant's requested R-1 zoning. The subject property is within the "West Bethel-Daneobo Development Node" of the BDRP, which contains only one policy that provides direction for establishing a node of commercial and medium-density residential on the north side of Royal Avenue. The subject property is south of Royal Avenue; hence, the policy is not applicable to this zone change request. There are no other policies within the BDRP that appear to be relevant. Based on these findings, the zone change is consistent with the applicable refinement plan.

EC 9.8865(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, water service, fire and emergency medical services, police protection, City- wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3). Referral comments, included in the application file, confirm that the uses and density that will be allowed by the proposed R-1 zone on the subject property can be serviced through the orderly extension of key urban facilities and services. Based on these findings, the above criterion is met.

EC 9.8865(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

There are no discrete siting requirements for the requested R-1 zone at EC 9.2735 Residential Zone Siting Requirements. Based on these findings, the above criterion is met.

EC 9.8865(5): In cases where the NR zone is applied based on EC 9.2510(3), the property owner shall enter into a contractual arrangement with the City to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The proposed zone change does not include the NR zone; this criterion does not apply.

Transportation Planning Rule:

Staff finds that Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (DLCD), must be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rules, as follows. As adopted, OAR 660-012-0060(1) states:

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3),(9), or (10) of this rule.*

Staff finds that the subject zone change is governed by subsection (9), which reads as follows:

- (9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
- (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the plan map:*
 - (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) *The area subject to the amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660- 024-220(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

Staff confirms that the proposed R-1 zoning for the property is consistent with the existing comprehensive plan designation as Low-Density Residential, and that this designation was in effect at the time the acknowledged TSP was adopted (TransPlan 2002). When TransPlan was adopted in 2001, the subject property was designated Low-Density Residential and has remained unchanged. The subject property was not exempted from the TPR at the time of an urban growth boundary agreement. Thus, OAR 660-012-0060(9) is satisfied. Based on these findings, the proposed zone change does not significantly affect a transportation facility for purposes of the TPR and therefore complies.

Staff Recommendation

Based on the available evidence, and consistent with the preceding findings, staff recommends the Hearings Official approve the requested zone change to R-1 Low-Density Residential.

Consistent with EC 9.7330, unless the applicant agrees to a longer time period, within 15 days following close of the public record, the Eugene Hearings Official shall approve, approve with conditions, or deny this application. The decision shall be based upon and be accompanied by findings that explain the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering a decision and explaining the justification for the decision based upon the criteria, standards, and facts set forth. Notice of the written decision will be mailed in accordance with EC 9.7335. Within 12 days of the date the decision is mailed, it may be appealed to the Eugene Planning Commission as set forth in EC 9.7650 through EC 9.7685.

Attachments

A vicinity map is attached. The entire application file is available for review at the Eugene Planning Division offices. The Hearings Official will receive a full set of application materials for review prior to the public hearing. These materials will also be made available for review at the public hearing.

For More Information:

Please contact Becky Taylor, Associate Planner, City of Eugene Planning Division, at: (541) 682-5437; or by e-mail, at: becky.g.taylor@ci.eugene.or.us

Vicinity Map (PT 13-10)



0 37.5 75 150 Ft

Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.

November 01, 2013

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TENTATIVE PLANNED UNIT DEVELOPMENT STAFF REPORT

Application File Name (Number):

Bailey Hill Apartments PUD (PDT 13-2, TIA 13-4)

Applicant's Request:

Concurrent land use applications for the following: Tentative Planned Unit Development and Traffic Impact Analysis. Proposal includes a multi-family residential development of 252 dwelling units, public open space (neighborhood park), and related infrastructure.

Applicant/Owner:

Bailey Hill Partners, LLC, Phone: 503.589.9797

Applicant's Representative:

Scott Reiter, Reiter Design Group Architects Inc., Phone: 503.574.3036

Lead City Staff:

Zach Galloway, Associate Planner, Eugene Planning Division, Phone: 541.682.5485

Subject Property/Location/Zoning:

The site comprises 17.38 acres, which is proposed to be developed in two phases.

Phase 1: Tax Lot 1500 of Assessor's Map 17-04-34-01 (12.31 residential)

Phase 2: Tax Lot 3501, 3502, 3515, and 3516 of Assessor's Map 17-04-34-42 and Tax Lot 1402 of Assessor's Map 17-04-34-41 (5.07 park).

The project site is located on the west side of Bailey Hill Road and south of the Amazon Channel. The site is currently zoned R-2 Medium Density Residential with /PD Planned Development Overlay. (See Attachment A.)

Relevant Dates:

Pre-application conference was held on January 8, 2013. Application originally submitted on July 1, 2013; after re-submittal to address incomplete items, it was forced complete by the applicant on October 3, 2013. The public hearing is scheduled for November 20, 2013.

Purpose of Staff Report

The Eugene Code (EC) requires City staff to prepare a written report concerning an application for tentative planned unit development (PUD). In this case, the applicant's concurrent request for traffic impact analysis (TIA) approval is also included in the staff report below. In accordance with EC 9.7320, the staff report must be printed and available prior to the public

hearing to allow citizens an opportunity to learn about the proposal and review the staff analysis. The staff report provides only preliminary information and recommendations.

The Hearings Official will consider additional public testimony and other materials presented at the public hearing before making a decision on the application(s). Pursuant to EC 9.7330, the Hearings Official's written decision on the application is made within 15 days from the close of the public record. The quasi-judicial hearing procedures applicable to this request are described at EC 9.7065 through EC 9.7095.

Site Characteristics

The subject proposal consists of two phases, an approximately 12 acre residential development on a single tax lot (Phase 1) and an approximately 5 acre public park site (Phase 2). Phase 1 of the subject site is the former location of the Rexus Forest By-Products operation nearest Bailey Hill Road, while Phase 2 includes part of that operations area and vacant, undeveloped industrially zoned parcels along Dani Street. The Amazon Channel and recreational Fern Ridge trail are located along the site's northern border. Commercial properties that front West 11th Avenue are located immediately across the Amazon Channel adjacent to the subject site. The site abuts Bailey Hill Road and a separate, vacant tax lot to the east. An extension of West 13th Avenue, currently under construction, forms the southern property boundary. A vacant property south of the new thoroughfare further separates the subject site from existing single-family homes on Plumtree Lane. To the west, Phase 2 of the subject site is bounded by Dani Street, with small industrially zoned lots across the local street. As part of the master planning undertaken in the area, an agreement was reached for fee-simple acquisition of the park property to serve the surrounding residential areas. The subject site is generally flat and, due to past business activities on the site, is largely devoid of vegetation. The West Eugene Wetlands Plan (WEWP), discussed later herein, recognized wetlands present on site. These were designated for development at the time of WEWP adoption.

Additional summary information is included in the applicant's written statement (page 1).

Summary of Land Use Applications

The applicant's proposal includes two concurrent land use applications – Tentative PUD and Traffic Impact Analysis – that are summarized below. The following evaluation is also based on the most recent application materials, as revised, re-submitted, and forced complete on October 3, 2013.

Tentative PUD. PUD approval is required for the proposed development based on applicability provisions of EC 9.8305(2), "property is zoned with a /PD overlay zone." The proposed PUD includes plans for 252 multi-family housing units (i.e., apartments) and resident amenities, such as pool, indoor and outdoor sport courts, and clubhouse spread over 12.31 acres for a gross density of 20.47 dwelling units per acre. As described in the applicant's written statement and shown on the applicant's site plans, proposed primary access is from the newly constructed West 13th Avenue, which intersects with Bailey Hill Road on the east and terminates near the western property boundary of the PUD site. Private streets and sidewalks provide circulation throughout the site, which includes pedestrian connections to surrounding public park lands and an emergency access to Bailey Hill Road.

The applicant also requests several adjustments, exceptions, or modifications (“proposed non-compliance”) under applicable development standards, as part of the tentative PUD. Those requests and other key details of the proposed PUD are summarized in the evaluation below. Also, please refer to the applicant’s written statement, site plans, and other documentation regarding the proposed development.

Traffic Impact Analysis. A Traffic Impact Analysis (TIA) Review is required for any development that will generate over 100 peak hour vehicle trips. (See EC 9.8670 for TIA applicability requirements.) In this case, the applicant’s proposed development would generate more than 100 peak hour trips and therefore includes a concurrent TIA application (TIA 13-4) which is subject to approval criteria at EC 9.8680.

Professional Design Team. As per EC 9.8310(2)(b), the project design team must include a certified arborist and member of the American Institute of Certified Planners, unless waived by the Planning Director. The project design team includes a landscape architect capable of conducting the requisite tree inventory and survey. The project coordinator requested that the Planning Director exercise that discretion and it was granted.

Items Requiring Hearings Official Decision

In addition to the Hearings Official’s ruling on the Tentative PUD and TIA based on the criteria stated herein, the applicant is requesting action be taken on two unique items, Timeframe of Phasing and Site Alteration. Due to the explanation herein, and a review of the application materials, Planning staff supports both requests.

Timeframe of Phasing. The Tentative PUD proposes two phases in order to accommodate the different anticipated development timeframes. Phase 1 is comprised of the Multi-family Residential component. For Phase 1, the applicant proposes to adhere to the Eugene Code required 18 month timeframe for submitting a Final PUD. Phase 2 is the future neighborhood park on the western half of the subject site. It will be developed by the City Public Works’ Division of Parks and Open Space. A longer 10 year timeframe is proposed for development of the park, as requested and justified in the applicant’s supplemental information (see Attachment C3).

Site Alteration. The Eugene Code, as cited below, allows the Hearings Official to permit site alteration in advance of the approved Final PUD. The applicant is requesting the Hearings Official allow such alteration on Phase 1 for the subject proposal.

EC 9.8330: Site Alteration. Unless specifically permitted by the hearings official, vegetation, topography, and other natural features of areas proposed for a PUD shall not be substantially altered until final PUD approval, and then only as authorized by the final PUD approval. “Substantially altered” includes, but is not limited to, site grading and removal of trees or other vegetation. If a subdivision is required, site alteration shall not be permitted until after tentative subdivision approval is granted.

The Hearings Official must formally grant the allowance for Site Alteration in his decision, in order for any activity to take place on site prior to approval of the Final PUD. The applicant has provided a request to the Hearings Official (see Attachment C2), as follows:

As a part of the Phase One Tentative Approval, the applicant is requesting that the Hearings Officer permit preliminary site work to be completed prior to the Final PUD Approval. The scope of site work to be included in this request is continued clearing, rough grading and filling of the apartment site from the new West 13th Right-of-way northward toward the Amazon Channel. The wetlands delineation and mitigation has been approved with the West 13th PEPI improvements and the existing tree survey and preservation plan has been completed as a part of this application.

Planning staff notes that as part of the Privately Engineered Public Improvement (PEPI) for West 13th Avenue, the property owner secured permits from Federal and State agencies to allow wetland impacts across the subject site.

Application History/Procedural Summary

The following summary is provided to assist the Hearings Official with information about several procedural matters, including PUD application requirements, completeness review, and public notice for the concurrent applications included in this request.

Pre-Application Conference and Neighborhood/ Applicant Meeting. The applicant held a required Pre-Application Conference (PC 13-02) with City staff on January 8, 2013. See EC 9.7005. On May 29, 2013, the applicant held a Neighborhood/Applicant Meeting as required by EC 9.7007. Since the neighborhood meeting, there have been no substantial revisions to the plans as presented to local residents in attendance. Meeting minutes and distributed materials are provided in the PUD application materials.

Completeness Review, Referrals, and Public Hearing Notice. The land use applications for Bailey Hill Apartments PUD were deemed complete on October 3, 2013. In accordance with the Eugene Code, a public notice was sent to adjacent property owners on October 16, 2013, more than 30 days prior to the scheduled public hearing. To date, there have been no extensions to the Oregon state-mandated 120-day timeframe. The conclusion of that period is currently set for February 1, 2014.

Public Testimony

In accordance with local code requirements, on October 16, 2013, the Planning Division mailed notices to adjacent property owners and signs were posted on the property. To date, Planning staff has received 2 phone calls and 1 written correspondence. One respondent expressed concerns about the loss of existing trees and the associated impacts to nesting birds. Staff explained the tree inventory requirements and that the applicant's proposal includes tree plantings that far exceed the existing total. The other caller was making a general inquiry about the future development and shared no testimony. The single written response was opposed to the proposal.

As noted above, the design team convened a neighborhood meeting on May 29, 2013. A summary of that meeting, including all questions asked by local residents, is included in the PUD application materials.

Any written testimony received after the issuance date of this report will be provided to the Hearings Official for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing on this matter.

Tentative PUD Evaluation

According to EC 9.7330 and EC 9.8320, the Hearings Official shall approve, approve with conditions, or deny a tentative PUD application with findings and conclusions. Decisions approving an application, or approving with conditions, shall be based on compliance with the following criteria as stated in EC 9.8320.

EC 9.8320(1): The PUD is consistent with applicable adopted policies of the Metro Plan.

Metro Plan policies are often directed toward City-initiated actions, and none appear to serve as mandatory approval criteria. In fact, the language is aspirational, and where appropriate, they must be balanced with varied direction contained in numerous policies. The applicant largely focused on those Metro Plan policies that are adopted into the Eugene Code at 9.9560(5), which are invoked only for local Type II land use applications. When reviewing a PUD, all Metro Plan policies are potentially applicable. The statement goes on to explain applicability with the following Metro Plan policies.

- A.1 *Encourage the consolidation of residentially zoned parcels to facilitate more options for development and redevelopment of such parcels.*
- A.3 *Provide an adequate supply of buildable residential land within the UGB for the 20-year planning period at the time of Periodic Review.*
- A.8 *Require development to pay the cost, as determined by the local jurisdiction, of extending public services and infrastructure. The cities shall examine ways to provide subsidies or incentives for providing infrastructure that support affordable housing and/or higher density housing.*

Although the written submittal is brief, Planning staff has reviewed the proposal against the balance of Metro Plan policies. Staff considers it consistent with Metro Plan policies and, specifically, that the proposal is consistent with the Medium Density Residential (MDR) plan designation of the subject site. The Metro Plan's residential category is divided into three designations. Density for the Medium Density Residential designation is set at between 10 and 20 units per gross acre. The proposed PUD density is consistent with this range. For easy reference, other relevant policies are quoted below.

- A.11 *Generally locate higher density residential development near employment or commercial services, in proximity to major transportation systems or within transportation-efficient nodes.*
- F.3 *Provide for transit-supportive land use patterns and development, including higher intensity, transit-oriented development along major transit corridors and near transit stations; medium- and high-density residential development within ¼ mile of transit stations, major transit corridors, employment centers, and downtown areas; and*

development and redevelopment in designated areas that are or could be well served by existing or planned transit.

- J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.*

West 11th Avenue, a major arterial, is one block north of the project site. Existing transit routes use this thoroughfare as well as Bailey Hill Road, which partially forms the eastern edge of the project site. Future bus rapid transit is planned along West 11th Avenue.

- A.22 Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations.*

- J.8 Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.*

Policy A.22 is a City-focused policy directive. However, the project proposal is taking advantage of opportunities created by a recent Metro Plan amendment for the subject property (changing its designation from industrial to a combination of residential and commercial) that introduced a mixture of uses into a previously homogenous area. The resultant mixture includes neighborhood commercial south of the Amazon Channel, low- and medium-density residential, and parks and open space land uses. The lasting effect for residents is reduced travel times to access amenities or services used daily.

- E.3 The planting of street trees shall be strongly encouraged, especially for all new developments and redeveloping areas (where feasible) and new streets and reconstruction of major arterials within the UGB.*

Street trees are being provided along the entire West 13th Avenue frontage of the project site. And, the internal private streets are designed to mimic typical urban streets with appropriate street tree plantings.

- F.26 Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.*

The design layout of the proposed project creates a safe and comfortable pedestrian environment. In addition to the street trees described above, the on-site landscaping will shade pedestrians in summer months. And, security is improved through passive, natural surveillance from the apartment windows, front porches, balconies and main entries that face the public sidewalk.

Based on the applicant's submittal and subsequent review, Planning staff considers the project

to be consistent with relevant Metro Plan policies.

EC 9.8320(2): The PUD is consistent with applicable adopted refinement plan policies.

The applicant states that the proposal falls within the boundaries of two refinement plans, the West Eugene Wetlands Plan (2000) and the Bethel-Danebo Neighborhood Refinement Plan, Phase II (1982). Similar to Metro Plan policies, select refinement plan policies are adopted into the Eugene Code, but all policies contained within the plans are applicable when reviewing a PUD. These refinement plans are addressed below.

West Eugene Wetlands Plan. The West Eugene Wetlands Plan is considered a refinement plan for purposes of land use application review. The plan boundary overlaps with the Bethel-Danebo plan area, but it is a specific plan related to wetland impacts, rather than being a general neighborhood planning document. According to Map 5 in the Appendix, the wetlands present on the subject site are classified as “wet prairie.” Policies included therein are primarily directed to the City, and do not offer site-specific direction on particular development. Map 3 Wetlands Designation Map, which is included in the applicant’s Wetland Delineation Report as Figure 3C, designates those wetlands on the subject site – I2a and I2b – as “develop”. This means the site is appropriate for full development and on-site wetlands need not be restored or retained. However, in order to develop the site, the wetlands must be mitigated off-site. The applicant’s statement notes that they are participating in an off-site wetlands bank.

Bethel-Danebo Neighborhood Refinement Plan, Phase II. The applicant’s statement recognizes that the refinement plan largely focuses on the industrial areas north of West 11th Avenue. It does not include a plan diagram that would dictate future land uses and the policies focus solely on industrial uses. The applicant correctly notes that the plan does not include any “applicable sections” that would affect the proposal.

Based on the explanation provided in the applicant’s written statement and subsequent review of the two plans, Planning staff views the proposed PUD as consistent with the applicable refinement plan policies.

EC 9.8320(3): The PUD will provide adequate screening from surrounding properties including, but not limited to, anticipated building locations, bulk, and height.

The applicant’s proposal for Phase 1 includes 252 total dwelling units on a 12.31 acres site. The multi-family units are located within 17 individual buildings, and the neighborhood park comprises the remaining 5.91 acres on the western portion of the subject site. Basic landscape standards are provided on all sides of the proposed Phase 1. And, separation is provided on the east side of the development abutting commercially zoned land.

A parcel zoned C-2 Community Commercial is located on the eastern boundary of the subject site. A narrow appendage of the subject site does connect to Bailey Hill Road, providing pedestrian connections and emergency access. A future City park is located on the western edge of the proposed PUD. The neighborhood park is considered Phase 2 of the proposed PUD, and it serves as an extensive buffer between the residential component and the existing light-industrial district found on Dani and Janisse Streets. The applicant states – depicted on Sheet L

1.0 – that they are providing an L-2 Low Screen Landscape Standard along the eastern and western boundaries of Phase 1. Additionally, the proposed residential buildings closest the commercial parcel to the east are setback as much as 85 feet in some places, and associated garages are intentionally located on the eastern side of the drive aisle in order to provide sound buffering and the effect of a privacy wall. The following condition of approval fulfills the screening criterion and is consistent with applicant's commitment.

- The L-2 Low Screen Landscape Standard shall be provided along the perimeter of the Phase 1 development site.

The Amazon Channel and a sliver of the future park form the northern boundary of the site, with proposed park amenities to be completed in Phase 2. A mixture of retail uses, warehousing, and a hotel – C-4 Commercial/ Industrial and I-2 Light-Medium Industrial zones – abut the Fern Ridge Trail and are currently visible from the subject site. Here too the applicant proposed to apply the L-2 Low Screen Landscape Standard from the Eugene Code. The development plans depict a 6-foot high fence around the perimeter of the entire development site, with exceptions where the narrative calls for a 3-foot sight obscuring fence. It is noted that this fence height is limited to a maximum height of 42 inches within any front yard setback as required by Eugene Code 9.2751(14). Regarding fencing, the two following conditions are recommended to address internal inconsistencies within the application and Eugene Code requirements.

- At the time of final PUD, the written narrative and the plan set shall be revised to consistently state the size and type of fencing proposed along the property line.
- In accordance with EC 9.2751(14), at the time of final PUD, plans shall be revised to reduce fence height to a maximum height of 42 inches within any front yard.

The newly constructed West 13th Avenue forms the subject site's southern boundary. A vacant parcel designated Low Density Residential and zoned R-1 lies directly south of the subject site. A combination of elements address compatibility here, including the simple separation created by the public street right-of-way and the provision of street trees on both the north and south side of the new thoroughfare. Also, the siting of residential buildings close to W. 13th Avenue not only improves the streetscape for pedestrians, but it also buffers adjacent future development from potential noise created internal to the development and blocks potential light trespass from on-site lighting and headlights in parking lots.

Lastly, Planning staff notes that the applicant's lighting plan (A 1.0B) indicates that there will be off-site impact from the light fixtures provided along the internal drive aisles and parking areas.

Based on the applicant's written statement and a review of the plans cited above, Planning staff views the proposed PUD as consistent with the applicable criterion.

EC 9.8320(4): The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:

(a) Protection of Natural Features.

- 1. For areas not included on the City's acknowledged Goal 5 inventory, the preservation**

- of significant natural features to the greatest degree attainable or feasible, including:
 - a. Significant on-site vegetation, including rare plants (those that are proposed for listing or are listed under State or Federal law), and native plant communities.
 - b. All documented habitat for all rare animal species (those that are proposed for listing or are listed under State or Federal law).
 - c. Prominent topographic features, such as ridgelines and rock outcrops.
 - d. Wetlands, intermittent and perennial stream corridors, and riparian areas.
 - e. Natural resource areas designated in the Metro Plan diagram as “Natural Resource” and areas identified in any city-adopted natural resource inventory.
- 2. For areas included on the City’s acknowledged Goal 5 inventory:
 - a. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will:
 - (1) Avoid unnecessary disruption or removal of attractive natural features and vegetation, and
 - (2) Avoid conversion of natural resource areas designated in the Metropolitan Area General Plan to urban uses when alternative locations on the property are suitable for development as otherwise permitted.
 - b. Proposed buildings, road, and other uses are designed and sited to assure preservation of significant on-site vegetation, topographic features, and other unique and worthwhile natural features, and to prevent soil erosion or flood hazard.

The applicant’s written statement notes that there are no Goal 5 inventoried resources identified on the subject site. However, the City’s most recent Goal 5 implementing ordinance (Ord. 20351) includes the resources inventoried in the West Eugene Wetlands Plan as part of the City’s overall adopted Goal 5 inventory. Thus, criterion (a)2., above, is applicable. The criterion directs development to avoid “unnecessary” impacts; however, the West Eugene Wetlands Plan designates the wetlands on the subject site as appropriate for fill and development, thereby making a preferential determination of which properties within the plan area are appropriate and necessary to develop in order to achieve the policy intent of the plan.

As discussed herein, the property owner has secured permits and conducted the required off-site mitigation to impact the wetlands and grade and fill those areas.

- (b) **Tree Preservation.** The proposed project shall be designed and sited to preserve significant trees to the greatest degree attainable or feasible, with trees having the following characteristics given the highest priority for preservation:
 - 1. Healthy trees that have a reasonable chance of survival considering the base zone or special area zone designation and other applicable approval criteria;
 - 2. Trees located within vegetated corridors and stands rather than individual isolated trees subject to wind throw;
 - 3. Trees that fulfill a screening function, provide relief from glare, or shade expansive areas of pavement;
 - 4. Trees that provide a buffer between potentially incompatible land uses;
 - 5. Trees located along the perimeter of the lot(s) and within building setback areas;
 - 6. Trees and stands of trees located along ridgelines and within view corridors;

- 7. Trees with significant habitat value;**
- 8. Trees adjacent to public parks, open space and streets;**
- 9. Trees located along a water feature;**
- 10. Heritage trees.**

The applicant provides a tree survey within the plan set on sheet L2.0. The applicant's written statement (page 7) offers little detail. However, a review of sheet L2.0 reveals that the majority of existing trees are located in the footprint of proposed residential buildings along West 13th Avenue, which is a siting requirement of the multi-family residential standards in the Eugene Code. These trees would also be impacted by the grading and fill of wetlands discussed above. Also, those trees currently inventoried as "off-site" are actually located on the adjacent Phase 2 park site. Each will be retained and address the characteristics noted above in 1., 8., and 9., above. City staff considers the anticipated construction-related impacts to trees 4061 and 4062 nearest Bailey Hill Road to constitute a "technical felling," and therefore, recommend their removal. The existing tree inventory is inconsistent with the proposed landscape plans (plan set sheet L1.0), but removal of the stated trees would make the two documents consistent. The following conditions are recommended to address the criterion.

- Prior to final PUD approval, the tree inventory shall be revised to reflect the park site is Phase 2 of the PUD, thereby including those trees within the phase as "Phase 2," not "off-site".
- At the time of final PUD, the tree inventory shall be revised to depict trees 4061 and 4062 as "REMOVE", thereby bringing the inventory into consistency with the landscape plan and improving long term health of the trees.

(c) Restoration or Replacement.

- 1. For areas not included on the city's acknowledged Goal 5 inventory, the proposal mitigates, to the greatest degree attainable or feasible, the loss of significant natural features described in criteria (a) and (b) above, through the restoration or replacement of natural features such as:**
 - a. Planting of replacement trees within common areas; or**
 - b. Re-vegetation of slopes, ridgelines, and stream corridors; or**
 - c. Restoration of fish and wildlife habitat, native plant habitat, wetland areas, and riparian vegetation.**

To the extent applicable, restoration or replacement shall be in compliance with the planting and replacement standards of EC 6.320.
- 2. For areas included on the city's acknowledged Goal 5 inventory, any loss of significant natural features described in criteria (a) and (b) above shall be consistent with the acknowledged level of protection for the features.**

The applicant's written statement contends that this section is not applicable. As noted previously, as part of the West Eugene Wetlands Plan, the subject property is included in the City's acknowledged Goal 5 inventory. Therefore, (c)(2) is an applicable criterion. The West Eugene Wetlands Plan designates the wetlands on the subject site as appropriate for fill and development, thus rendering moot the question of "level of protection".

(d) Street Trees. If the proposal includes removal of any street tree(s), removal of those street

tree(s) has been approved, or approved with conditions according to the process at EC 6.305.

This criterion does not apply as the proposal does not include removal of any City street trees. Staff notes however, that if the existing trees identified on Sheet L2.0 as tree number 4061 and 4062 are in place at the time of the Bailey Hill right-of-way dedication, the trees would become street trees subject to the removal and replacement of EC 6.305.

The written statement notes that street trees are being provided along the internal private roadways. Also, new street trees are being planted along the property frontage as part of the West 13th Avenue extension, construction of which is nearly complete.

EC 9.8320(5): The PUD provides safe and adequate transportation systems through compliance with the following:

The proposed development includes private streets (drive aisles) and sidewalks which will provide connections to the public street system for motorists, bicyclists, pedestrians and emergency vehicles subject to additional findings and conditions for compliance with EC 9.6805 through EC 9.6875, as provided below. Based on these findings, referral comments from the City's Public Works staff confirm that the proposed development complies with this criterion.

(a) EC 9.6800 through EC 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).

The proposal does not include any public streets, but it will access the newly constructed West 13th Avenue, which was completed under a separate permit process (PEPI, privately engineered public improvement).

EC 9.6805 Dedication of Public Ways and EC 9.6870 Street Width:

Pursuant to EC 9.6805, as a condition of any development, the City may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the City makes findings to demonstrate consistency with constitutional requirements. The public ways for streets to be dedicated to the public by the applicant shall conform to the adopted right-of-way map and EC Table 9.6870.

As discussed in EC 9.6870, which is incorporated herein by reference, West 13th Avenue, a major collector has an existing 75-foot right-of-way which meets its required planned width and Dani Street, a medium volume local street, has an existing 60-foot right-of-way which meets the maximum width requirement of EC Table 9.6870 for medium volume local streets. However, the planned right-of-way width in Bailey Hill Road is 80 feet (40 feet each side of centerline) and the existing right-of-way west of centerline is only 20 feet, thus, the following condition is warranted:

- Prior to final PUD approval, the applicant shall dedicate a 20-foot wide strip of right-of-way (approximately 1700 SF) along the easterly property boundary that abuts Bailey Hill Road on a standard City form, subject to review and approval by City staff, prior to recording at Lane County Deeds and Records.

The necessary Dolan findings are provided in the City's Public Works referral comments (see Attachment B).

EC 9.6810 Block Length:

Block length standards are not applicable because no new local streets are proposed or required.

EC 9.6815 Connectivity for Streets:

In order to meet Street Connectivity standards, the proposed development must, at a minimum, provide extensions of the public way which are consistent with subsections (2)(b), (2)(c) and (2)(d). EC 9.6815(2)(b) requires street connections in the direction of any planned or existing streets within ¼ mile of the development site and connections to any streets that abut, are adjacent to, or terminate at the development site. EC 9.6815(2)(c) requires that the proposed development include streets that extend to undeveloped or partially developed land adjacent to the development site in locations that will enable adjoining properties to connect to the proposed development's street system. EC 9.6815(2)(d) requires secondary access for fire and emergency vehicles.

The proposed development either complies or warrants an exception to compliance with these subsections because site characteristics (i.e., future Phase 2 park) preclude roadway extensions, all adjacent properties are accessible from existing public streets, and secondary emergency access is provided from Bailey Hill Road, as well as the primary entrance on West 13th Avenue. The remaining street connectivity standards at (2)(a), (2)(e) and (2)(f) are not applicable.

Given the available information and based on the foregoing findings, the proposed development complies with the street connectivity standards. Additional details are provided in the Public Works Department referral comments.

EC 9.6870 Street Width

Pursuant to EC 9.6870, the right-of-way and paving widths of streets "shall conform to those widths designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the adopted Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths", although a greater width can be required based on adopted plans and policies, adopted "Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways" or other factors which in the judgment of the planning and public works director necessitate a greater street width.

Bailey Hill Road is identified on the adopted Street Classification Map and Right-of-Way Map (Fig. 60-61 of the Arterial and Collector Street Plan (ACSP)) as a minor arterial street with a planned width of 80 feet (i.e., 40 feet on each side of centerline). As depicted, on County Survey File No. 42336, which was completed by Dan Baker, PLS, for Properties Northwest, L.L.C. and Rexius Forest By-Products, Inc., the existing right-of-way on the west (development) side of the Bailey Hill Centerline is only 20 feet. Likewise, the site plans (see Sheet A0.1 - Land Use Site Plan and Sheet P100 – Existing Conditions) clearly show the development's property line extending

over the existing sidewalk on the west side of Bailey Hill Road. As such, Bailey Hill Road does not comply with the minimum right of way width standard.

As a newly constructed public street, West 13th Avenue complies with this standard.

Dani Street, which is not identified on the adopted Street Classification Map or the adopted Right-of-Way Map, is a local street which will function as a medium volume local street. Since the existing right-of-way matches the maximum width of EC Table 9.6870, no additional right-of-way is required.

EC 9.6875 Private Street Design Standards:

On page 30 of the written statement, the applicant indicates that the intent is to construct all internal private drives to the adopted City standards and guidelines contained within the “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways”. Staff clarifies that these standards do not apply because no private streets, as defined by the City’s Public Works Department, are proposed or required.

Staff finds that the applicable standards under this criterion are met. Remaining standards within EC 9.6800-9.6875, not listed above, are found to be inapplicable in this instance.

(b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.

The applicant’s Site Plan Sheet P102 depicts internal and adjacent external vehicular, bicyclist, and pedestrian circulation patterns and connections to the future park and public street system. Sidewalk connections are provided between all buildings and the public and private streets. Connections are also provided to the future adjacent park (Phase 2), as well as between individual residential buildings. There are bicycle parking facilities at each building (see Multi-family Residential Standards), and Bailey Hill Road and the newly constructed West 13th Avenue includes bicycle lanes. However, bicycle access is not clearly shown in the direction of Bailey Hill Road, which has bicycle facilities and a nearby connection to the Amazon Channel Bike Path. In order to ensure bicycle connections for apartment residents are available towards Bailey Hill Drive, the following condition is warranted:

- The final PUD plan shall be revised to show bicycle circulation in the direction of Bailey Hill Road through the proposed parking lot in the panhandle of the development site on Sheet P102 – Traffic Circulation Plan. The plan shall also be modified to show how bicyclists will be able to access Bailey Hill Road.

Extending bicycle connectivity for residents should affect the design of the secondary emergency access to Bailey Hill Road, thereby ensuring the design accommodates all modes of transport.

(c) The provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 where applicable.

Regarding EC 9.8650 through EC 9.8680 Traffic Impact Analysis Review, the initial traffic impact analysis was reviewed by Public Works staff. The provided analysis was deemed adequate and acceptable, but conclusions and proposed mitigation for anticipated traffic impacts were omitted. Public Works staff has worked with the applicant to determine if off-site mitigation strategies are warranted in the surrounding area. The applicant was very responsive, and on November 12, 2013, the applicant submitted supplemental information to the initially submitted TIA. The supplemental analysis – included in the official record – found no off-site mitigation was warranted to maintain the City's adopted levels of service at surrounding intersections and, according to email correspondence from Public Works staff, the analysis accurately demonstrates compliance with the applicable TIA approval criteria. Public Works staff recommends approval of the TIA, and a forthcoming memo addressing the TIA criteria will be provided to the Hearings Official under separate cover.

EC 9.8320(6): The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.

On page 9 of the written narrative, the applicant has addressed each topical area noted above. Due to the level nature of the site, soil erosion and slope failure are unlikely. Because of the size of the site and because the site drains directly to Amazon Creek, an erosion control plan will be required to ensure prevention of slope erosion during construction and will be required as part of the building permit process. Additionally, as per the geotechnical report, the site is suitable for the proposed development and no specific site features or subsurface conditions were found that would impede the proposed design and construction of the project as planned.

With regard to risk of stormwater or flood hazard, per the findings at EC 9.8320(11)(c), any structures placed within the identified flood hazard area will be required to comply with EC 9.6707 through EC 9.6709. The development itself will not result in unreasonable risk of flood per the stormwater management evaluation at EC 9.8320(11)(j).

The secondary emergency access from Bailey Hill Road provided by the applicant is located in the northeast corner of the subject site.

Based on these findings and future permit requirements, the proposed development will comply with this criterion.

EC 9.8320(7): Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant demonstrates that the services and facilities will be available prior to need. Demonstration of future availability requires evidence of at least one of the following:

- (a) Prior written commitment of public funds by the appropriate public agencies.**
- (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.**

- (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.**

The applicant states and Public Works staff concurs with the applicant's statement that adequate public utilities and services, including wastewater service, are presently available to the site as indicated on the applicant's plans. Water, electricity, and sanitary sewer have been installed at part of the previously constructed West 13th Avenue, and Sheet P104 accounts for the necessary connections to those utilities. The provision of water and electric services and other utilities is subject to review by EWEB, and the EWEB referral comments are included in the application materials. No conditions are proposed by EWEB staff, but the referral comments advise that additional information will be necessary at the time of future development to determine the exact location and size of necessary easements for water and electrical service.

Findings at EC 9.8320(11)(b) and (j), regarding public improvements and stormwater respectively, are incorporated herein by reference as further evidence that these services are available or can be extended as necessary. Given these findings, the proposal is in compliance with this criterion.

EC 9.8320(8): Residents of the PUD will have sufficient usable recreation area and open space that is convenient and safely accessible.

The applicant's materials confirm that sufficient usable recreation and open space is accessible. On page 10 of the application narrative, the applicant lists the various proposed private amenities for residents of the future apartments. They also recognize the benefit of locating adjacent to the future City neighborhood park, which is included in the PUD as Phase 2. There are several sidewalk connections between the apartment and park phases.

The applicable multi-family residential standards require a certain percentage of recreation and open space be provided on-site for future residents. The applicant has provided a succinct response to those standards on page 14 of the narrative, while also showing more detail on Sheet A1.0A of the plan set. The adjacent Phase 2 park allows for a 25 percent reduction in the required on-site open space. The applicant achieves the required amount of recreation area and open space through general common area, pool and sports court, and the club house. Although provided to all units, it is noted that no private open space (i.e., balconies and patios for individual units) was required to meet the minimum numbers based on the site acreage.

EC 9.8320(9): Stormwater runoff from the PUD will not create significant negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows or velocity.

In this segment of its course, the Amazon is considered an engineered channel, not a "natural drainage course" as that term is used above. The subject project proposes to use an existing stormwater outfall to the channel. Section 6 of the PUD application materials, entitled Stormwater Calculations, include the required stormwater calculations and several references to the City's adopted Stormwater Management Manual. The applicant is committing to installing proprietary, mechanical treatment systems that will reduce pollution and sediment

discharges. Stormwater runoff from the development site will be collected in a piped system and conveyed to a public storm drain before being discharged to the Amazon Channel. As discussed at criterion 11(j), which is incorporated by reference, there is adequate capacity in the downstream modeled portions of the public system and in the 36-inch trunk line located in the future park. It is further noted that there are no new outfalls to the Amazon Channel. An erosion prevention permit will be required prior to any ground-disturbing activities that would result in large quantities of sediment leaving the construction site.

Additionally, water quality manholes will provide treatment of the stormwater runoff before it enters the existing public system. Stormwater management is discussed in greater detail later in this report at criterion (11)(j). Based on these findings the development will comply with this criterion.

EC 9.8320(10): Lots proposed for development with one-family detached dwellings shall comply with EC 9.2790 Solar Lot Standards or as modified according to subsection (11) below.

This criterion is not applicable to the subject application, as no single-family dwellings are proposed.

EC 9.8320(11): The PUD complies with all of the following (An approved adjustment to a standard pursuant to the provisions beginning at EC 9.8015 of this land use code constitutes compliance with the standard.):

EC 9.8320(11)(a): EC 9.2000 through 9.3915 regarding lot dimensions and density requirements for the subject zone.

The proposed PUD is zoned R-2 Medium Density Residential and must comply with the provisions of EC 9.2750 Residential Zone Development Standards and EC 9.2760 Residential Zone Lot Standards unless explicitly requested through a proposed non-compliance. As noted on page 11 of the applicant's narrative, the proposed net density is 20.47 dwelling units per net acre (252 dwelling units on 12.3 acres). This complies with the net density range of 10 to 28 units for the R-2 zone.

With the findings provided under subsection (k) below, staff recommends the Hearings Official find that the proposed PUD has met the standards cited above.

EC 9.8320(11)(b): EC 9.6500 through EC 9.6505 Public Improvement Standards.

EC 9.6500 Easements

The applicant does not propose any public easement dedications nor are there any public improvements that would result in the need for additional public wastewater or stormwater easements on the subject property. Based on these findings, the proposal complies with EC 9.6500.

EC 9.6505 Improvements – Specifications

EC 9.6505 Improvements-Specifications requires that all public improvements be designed and constructed in accordance with adopted plans, policies, procedures and standards specified in

EC Chapter 7. No additional public improvements are proposed or required; however, all developments are required to make and be served by the infrastructure improvements described below.

EC 9.6505(1) Water Supply

Water service for the proposed development must be provided in accordance with Eugene Water and Electric Board (EWEB) policies and procedures. No significant issues were identified in the EWEB referral comments.

EC 9.6505(2) Sewage

The standard requires all developments to be served by wastewater sewage systems of the City, in compliance with the provisions of EC Chapter 6. The applicant proposes to connect the private wastewater system to an existing 8-inch public line in West 13th Avenue. Based on these findings, the applicant's proposed wastewater system conceptually complies with applicable sewage specifications, subject to a more detailed review during the subsequent site development and building permit processes.

EC 9.6505(3) Streets and Alleys and EC 9.6505(4) Sidewalks

EC 9.6505(3)(a) and (b) requires all streets in and adjacent to the development site to be paved to the width specified in EC 9.6870, and improved according to adopted standards and specifications pursuant to EC Chapter 7, unless such streets have already been paved to that width. Full street and sidewalk improvements, conforming to these standards, were permitted for construction of West 13th Avenue and Dani Street.

Bailey Hill Road, which was originally improved to City standards under City Contract No. 1974-0028 has 44' paving, curbs and gutters, storm drainage, curbside sidewalks and street lights, but lacks street trees. Per Sheet L1.0 – Overall Landscape Plan, the applicant proposes to plant Large Deciduous Trees adjacent to Bailey Hill Road. Staff acknowledges the applicant's intent to plant trees and notes that any trees planted within the future Bailey Hill right-of-way will become Street Trees upon dedication of that right-of-way. The applicant's proposal to plant trees in the future public right-of-way (see Sheet L1.1) is conceptually acceptable, however prior to planting the trees; the applicant is required to obtain a Street Tree Planting Permit, for which there is no fee, from Urban Forestry.

EC 9.6505(5) Bicycle Paths and Accessways,

Referral comments from Public Works staff confirm that no additional public bicycle paths or access ways are required. However, as noted above with respect to EC 9.8320(5)(b), private bicycle access (at the location of the proposed secondary emergency access to Bailey Hill Road) shall be clearly shown on the applicant's final PUD plans. Providing a private bicycle access point for residents of the Phase 1 apartments offers the most direct route to the Fern Ridge Trail, a heavily traveled east/ west multi-use path.

EC 9.8320(11)(c): EC 9.6706 Development in Flood Plains through EC 9.6709 Special Flood Hazard Areas - Standards.

A portion of the development site is within the Special Flood Hazard Area (SFHA) Zone AE and within the floodway as identified on the Flood Insurance Rate Map 41039C and Panel 1117F.

The floodway is usually associated with high velocity flows and is also required to remain unobstructed in order for floods to be able to be conveyed through communities. While only a small amount of the site is actually within the designated floodway, the applicant is responsible for clarifying whether any development including fill or grading is proposed in this area. Development for floodplain regulation purposes, EC 9.6705 to 9.6709, is broadly defined. Appendix A of the Public Improvement Design Standards is one of the better resources should any development be proposed within the floodway.

Staff disagrees with the floodplain boundary as depicted on Sheet P100 – Existing Conditions, however the differences are relatively insignificant. Buildings E and H and the trash enclosures located in the parking courts that are due west of each of the buildings are located within the SFHA zone AE. The upstream most Base Flood Elevation for the site is 396.4' 1929 NGVD per the Flood Insurance Study.

Development is allowed to occur within the SFHA, subject to review and approval for compliance with applicable development standards during the building permit process. All development within the SFHA is required to comply with the standards at EC 9.6707 through EC 9.6709. These standards generally require, for areas located in Zone AE, that structures be located at least one foot above the BFE among other requirements. At the time of development (i.e. building permits), these standards may be addressed through several alternatives, including elevated building foundations or, typically, placing fill on the building site. Specific measures for compliance with SFHA standards will be subject to further City review and approval at the time of building permits.

In order to ensure compliance with these standards, the following condition is warranted:

- Prior to final PUD approval, the applicant shall submit clarification as to whether any development is proposed within the floodway (including fill or grading), including two paper copies of the final PUD plan Sheet P103 – Grading & Sheet P105 – Stormwater Management & Facilities Plan), which includes the SFHA boundary and floodplain declaration.

EC 9.8320(11)(d): EC 9.6710 Geological and Geotechnical Analysis.

The applicant submitted a report that is entitled Geotechnical Investigation – Bailey Hill Apartments – 1250 Bailey Hill Road - Eugene, Oregon, dated June 12, 2013, which was prepared by Branch Engineering, Inc. and stamped by Ronald J. Derrick, P.E, G.E. The report includes an analysis of site characteristics, sub-surface investigation, and recommendations for design and construction techniques in relation to the proposed development, consistent with these standards. Public Works staff concurs with this initial geotechnical assessment. Adherence to the report recommendations will be required during the subsequent building permit process. Based on these findings and future permit requirements, the development complies with this criterion.

EC 9.8320 (11)(e): EC 9.6730 Pedestrian Circulation On-Site.

The standards for on-site pedestrian circulation at EC 9.6730 are generally applicable to multi-family. The applicant's narrative and submitted plan set sheets A0.1 and P102 depict the well-

connected site. Pedestrian connections are provided via public streets, private streets, and numerous internal sidewalk routes that interconnect to the park phase and other adjacent properties and amenities.

EC 9.8320 (11)(f): EC 9.6735 Public Access Required.

Based on the Public Works Department findings (see Attachment B) the development complies with these standards and no adjustment is necessary.

EC 9.8320 (11)(g): EC 9.6750 Special Setback Standards.

As discussed previously at EC 9.6805 and EC 9.6870, which is incorporated herein by reference, Dani Street, West 13th Avenue and Bailey Hill Road will comply with applicable right-of-way width requirements. No special setbacks are required for future right-of-way or public utility easements.

EC 9.8320 (11)(h): EC 9.6775 Underground Utilities.

According the applicant's written statement, all on-site utilities will be place underground, thus complying with this standard. The following condition of approval is recommended for final PUD.

- At the time of final PUD, add the commitment to underground all utilities to plan set sheet P104 Utility Plan.

EC 9.8320 (11)(i): EC 9.6780 Vision Clearance Area.

These standards do not apply because the subject property is not located at a public street intersection. However, the applicant has approached the design and layout of the internal drives as though they were subject to local street standards. Therefore, the vision clearance and sight triangles are shown on plan set sheet P101.

EC 9.8320 (11)(j): EC 9.6791 through EC 9.6797 regarding stormwater destination, pollution reduction, flow control for headwaters area, oil control, source control, easements, and operation and maintenance.

In regards to EC 9.6791 Stormwater Destination, it is noted in the written statement that the 12.31 acre Phase 1 development site (apartments) is split equally by the boundary between sub-basins BH-030 and BT-050 of the Amazon Basin. Public storm drainage is available to the west in Parks and Open Space (POS) property in a 36" trunk line which discharges to the Amazon Channel, just east of node no. 71089. The developer of the apartment site has reached an agreement with POS which will allow for the extension of a private 27" storm drain pipe from the apartment site to the aforementioned 36" storm drain through the PEPI process. The City has prepared draft stormwater easements, which vary from 5 to 10 feet in width to accommodate the storm drain pipe as well as a 20' temporary construction easement to facilitate construction. As shown on Sheet P104 and P105, the storm drain construction would be public to be designed and constructed through the PEPI process, however in an e-mail dated

10/28/13, the applicant's engineer confirms that the portion of the storm drain located on POS property is intended to be private. In order to ensure conformance with the tentative plan, the following condition is warranted:

- The final PUD plans shall be revised to clearly show that construction of the storm drain on POS property will be private and that the connection to the public system is to be located at the proposed manhole located over the existing public storm drain trunk line on Sheet P104 – Utility Plan and on Sheet P105 – Stormwater Management and Facilities Plan.

Public Works staff confirms that the Amazon Channel was modeled in the Eugene Stormwater Basin Master Plan – Volume II of VII for the Amazon Basin and that no downstream capacity issues have been identified. Additionally, on 11/16/13, the applicant submitted as supplemental information, a Storm Water Analysis, prepared by Devco Engineering, Inc., stamped by Steven C. P. Hattori, P.E. and dated November 2013, which demonstrates that there is adequate capacity in the existing trunk line that is located between the proposed connection to the 36" storm drain and the outfall to the Amazon Channel (approx. 70 linear feet), even with the re-direction of approximately 6 acres of storm water runoff from the Bertelsen (BT-050) sub-basin to the Bailey Hill (BH-030) sub-basin.

In regards to EC 9.6792 Stormwater Pollution Reduction, the applicant's proposal to construct a privately maintained water quality manhole (Contech Stormfilter) at the downstream end of the on-site private system is conceptually acceptable, subject to more detailed building permit reviews for compliance with applicable standards.

EC 9.6793 Stormwater Flow Control does not apply because runoff from the development site is not discharged into a headwaters stream and or into a pipe that discharges into an existing open waterway that is above 500 feet in elevation.

EC 9.6794 Stormwater Oil Control applies because the development has 468 parking spaces. The applicant's proposal to address oil control standards by collecting runoff from pollution generating impervious surfaces in lynch style catch basins is conceptually acceptable. The final design and installation specifications and adherence to the oil control requirements will be more precisely determined during the building permit process.

In regards to EC 9.6795 Stormwater Source Controls, the applicant indicates that trash enclosures will be covered; pad sloped and piped to the wastewater system. A more detailed review for specific source control measures will occur during the subsequent building permit process for compliance with this standard and the City's Stormwater Management Manual. Based on these findings and future permit requirements, the development will comply with the source control requirements at EC 9.6795.

EC 9.6796 Dedication of Stormwater Easements, does not apply because the proposed storm drainage system will be privately operated and maintained.

EC 9.6797 Stormwater Operations and Maintenance applies to all facilities designed and constructed in accordance with the stormwater development standards. This section also specifies when, and under what conditions, the public will accept functional maintenance.

Consistent with these standards, the applicant proposes private operation and maintenance of the on-site stormwater management facilities. To ensure compliance with EC 9.6797(3)(c), as proposed, the following condition of approval is recommended.

- Sheet P105 – Stormwater Management and Facilities of the final PUD plans shall include the note: “On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City’s Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process.”

With the findings, conditions, and future permit requirements noted above, staff concludes that this criterion will be met.

EC 9.8320(11)(k): All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300 Purpose of Planned Unit Development.

This standard allows an applicant to address any outstanding items and propose non-compliance with a development standard if it can be shown that not complying with the standard will be consistent with the PUD purpose statement, which is shown below for reference.

EC 9.8300 Purpose of Planned Unit Development. The planned unit development (PUD) provisions are designed to provide a high degree of flexibility in the design of the site and the mix of land uses, potential environmental impacts, and are intended to:

- (1) Create a sustainable environment that includes:*
 - (a) Shared use of services and facilities.*
 - (b) A compatible mix of land uses that encourage alternatives to the use of the automobile.*
 - (c) A variety of dwelling types that help meet the needs of all income groups in the community.*
 - (d) Preservation of existing natural resources and the opportunity to enhance habitat areas.*
 - (e) Clustering of residential dwellings to achieve energy and resource conservation while also achieving the planned density for the site.*
- (2) Create comprehensive site plans for` geographic areas of sufficient size to provide developments at least equal in quality to those that are achieved through the traditional lot by lot development and that are reasonably compatible with the surrounding area.*

PUD provisions are designed to provide a high degree of flexibility to allow for designs that adhere to the intent, promote compatible development, and preserve natural resources. A PUD application could show that allowing standards to be varied allows a proposal to address code intent through unique means that are specific to particular site characteristics.

As noted in *Table 1.*, below, the proposal adheres to many of the applicable development

standards, and staff has noted where conditions are necessary to bring the proposal into compliance with the Eugene Code. Additionally, the applicant is requesting the following non-compliances to the base R-2 standards and the multiple family standards. A full explanation of the applicant's noncompliance requests and explanation of how each is consistent with the purpose of EC 9.8300 is included in the applicant's supplemental information (see Attachment C2). As summarized in the following section, Planning staff has reviewed the explanation and justifications, and recommends that where non-compliance is proposed, the Hearings Official find those consistent with the purpose statement of the PUD.

- EC 9.2750 (2)(3), Building Height – The proposal exceeds the R-2 height standard by a few feet. Planning staff concludes that the additional 5 feet will not have a significant impact on compatibility with surrounding properties.
- EC 9.4250 (2)a, EC 9.5500(4)(a) Minimum and Maximum Setbacks – This request is made as a complementary piece of a following request, Building Mass and Façade. To create a diverse streetscape and avoid creating large, imposing building forms, the proposal articulates the facades. This breaks up massing, but it also moves portions of the building farther away than required by code. Planning staff agrees with the applicant's assertion that the intent of the code is met by buildings oriented to streets.
- EC 9.5500(4)(b) Street Frontage – This request is made as a complementary piece of.
- EC 9.5500(5)(c) Upper Story Building Entrances – The intent of this regulation is to preclude development "motel"-type apartment buildings with long exterior walkways. While the proposal does not meet the letter of the code, Planning staff finds that the intent is achieved and a more attractive, pedestrian friendly design is provided.
- EC 9.5500(6)(a) Building Mass and Façade – Planning staff concurs with the applicant's position that changes in materials and the articulated façade achieve the intent to avoid large, monolithic structures with blank facades.
- EC 9.5500(10)(a) Block Requirements – Planning staff concurs with the applicant's position that the site plan achieves the intent of creating an interconnected, pedestrian-friendly network of small blocks.
- EC 9.5500(11)(d) Setback Sidewalks – The code requires sidewalks be setback from the street to provide planting area for street trees and a buffer for pedestrians. The proposal site layout includes parallel, on-street parking to create a more urban arrangement; as such, curbside sidewalks are appropriate to accommodate the exiting drivers and passengers. Furthermore, Planning staff notes that the planting plan (Sheet L1.0) places street trees between the sidewalk and residential buildings, thus providing greater growing area for long term health of the trees.
- EC 9.5500(12)(c) Limitation on Parking Frontage – The proposal moves three buildings closer to the Phase 2 park in order to provide desirable views for future residents and security for park users through natural surveillance. The code limits the amount of parking along the private street, but Planning staff concludes that in this case the orientation of buildings toward Phase 2 park creates a more unified development.

Lastly, it is worth noting that unique development standards are not proposed for the Phase 2 park component; therefore, future development of that site will default to the standards of the

R-2 zone, which invoke standards of the PRO Parks, Recreation, & Open Space zone.

Table 1. Summary Review of Code Requirements and Application Proposals

EC 9.2750 Residential Zone Development Standards			
Standard	Required	Proposed	Complies
Net Density (R-2 Medium Density Residential base zone)	10-28 dwelling units per acre (123 – 269 units)	26.25 (252 units/ 9.6 acres)	✓
Maximum Building Height	35 feet	41 feet	Applicant has proposed noncompliance
Minimum Building Setbacks	10 feet front yard	10 feet	✓
	5 feet interior yard or 10 feet between buildings	Greater than 5 feet	✓
Maximum Lot Coverage	50 % of lot	24 %	✓
Maximum Fence Height	6 feet within interior yard setback 42 inches in front yard	Along western property boundary next to park and eastern property boundary next to commercial lot.	See City's recommended condition of approval.
EC 9.5500 Multiple-Family Standards			
Standard	Required	Proposed	Complies
(4)(b) Street Frontage	60% of site frontage occupied by building or enhanced pedestrian space.	Majority of the buildings on the site do not comply, but they do meet the intent.	Applicant has proposed noncompliance.
(5) Building Orientation and Entrances	(a) Building Orientation toward the street.	Primary orientation is to West 13 th Avenue and internal streets with 2 exceptions.	Applicant has proposed noncompliance for 3 buildings that overlook park.
	(b) Ground Floor entrances face the front lot line.	Ground floor entrances face West 13 th Avenue.	✓
	(c) Upper story entrances from the interior of the building or shared exterior walkway	In all buildings, more than 2 upper story units access external walkways.	Applicant has proposed noncompliance.

(6) Building Mass and Façade	(a) Maximum Building Dimension cannot exceed 100 feet in length or width	Several buildings exceed 100 feet in length.	Applicant has proposed noncompliance.
	(b) Windows shall cover at least 15% of all street facing facades on each floor level.	Facades along W. 13 th and all private streets provide the required transparency.	✓
(7) Building Articulation	(a) 2 design features every 40 feet of horizontal face; and 2 design features every 25 feet of vertical surface	The proposed building contains offsets, balconies, windows, and recessed entry portals.	✓
	(b) Offsets must vary by 2 feet and have a minimum width of 6 feet.	Building façade offsets vary from 30 inches to 10 feet.	✓
	(c) Individual and common entry ways shall be articulated by roofs, awnings, etc.	All common entries have a significant, roofed entry feature.	✓
(8) Site Landscaping	(c) Landscaping is required in front yards abutting both public and private streets installed to the L-1 standard	General landscaping plan is provided on plan set sheet L1.0.	See City's recommended condition of approval.
(9) Open Space	20% of development site; 25% credit for developments within one-quarter mile of a public park.	The proposal exceeds the required amount without including private open space.	✓
(10) Block Requirements	4 acre maximum area.	Three blocks proposed. One does not comply due to differences in streets and drive aisles, but the layout is consistent with the Code intent.	Applicant has proposed noncompliance.
(11) Site Access	(d) Setback sidewalks are required along all streets.	Propose curbside sidewalks for functionality of	Applicant has proposed noncompliance.

		parallel parking with street trees (L1.0) between the buildings and sidewalk.	
(12) Vehicle Parking	(b) Parking Courts not to exceed 9,000 s.f.; Maximum of 3 connected Parking Courts	Small parking courts are proposed throughout site.	✓
	(c) Parking shall extend across no more than 50% of any street frontage and not be placed in the front yard	Buildings M and N orient to the Phase 2 park and do not comply with the standard.	Applicant has proposed noncompliance.
(13) On-Site Pedestrian Circulation See EC 9.6730	Direct access between all building entrances and public ways, other buildings, and amenity areas.	Extensive sidewalk connections provided throughout site and to the adjacent public streets. (See sheet P102.)	✓
(14) Recycling and Garbage Areas See EC 9.5650 and EC 9.6740	Covered and enclosed on three sides	Plan sheet A1.7 depicts details of the required enclosures.	✓
EC 9.6105 Bicycle Parking Space Standards			
Standard	Required	Proposed	Complies
Minimum Number of Spaces Required	1 per dwelling: 252 (100% long term)	Proposal to use storage closets for the 84 ground floor units and balance of required spaces in the breezeways.	See City's recommended condition of approval.
Parking Space Dimensions	See details at EC 9.6105(2)	Storage closet locations are not adequate and details lacking for breezeway locations.	See City's recommended condition of approval.
Location & Security	See details at EC 9.6105(3) and (4)	Enclosed storage is required, but proposal lacks details.	See City's recommended condition of approval.
EC 9.6410 Motor Vehicle Parking Standards			
Standard	Required	Proposed	Complies
(1) Location	Located on the development site or within ¼ mile of	All parking provided on the development site.	✓

	development site.		
(2) Maximum Number	No maximum for residential	Proposal (468)exceeds the required 1 space per unit (252)	N/A
(3) Minimum Number	1 per dwelling	Proposal (468)exceeds the required 1 space per unit (252)	✓
EC 9.6420 Motor Vehicle Parking Standards			
Standard	Required	Proposed	Complies
(1) Dimensions and Striping	See details at EC 9.6420(1)	Parallel and 90 ⁰ spaces	See City's recommended condition of approval.
(2) Drainage	Drain to stormwater system, not across sidewalks or onto adjacent properties.	A master stormwater system is provided.	✓
(3) Landscape Standard	(3)(b) General Parking Area Landscaping	General landscaping plan is provided on plan set sheet L1.0.	See City's recommended condition of approval.
	(3)(c) Street and Driveway Entrances	General landscaping plan is provided on plan set sheet L1.0.	See City's recommended condition of approval.
	(3)(d) Perimeter	General landscaping plan is provided on plan set sheet L1.0.	See City's recommended condition of approval.
	(3)(e) Interior	General landscaping plan is provided on plan set sheet L1.0.	See City's recommended condition of approval.

The following recommended conditions of approval are intended to bring the project proposal into compliance with the Eugene Code requirements noted in *Table 1*:

- In accordance with Eugene Code 9.2751(14), at the time of Final PUD, plans shall be revised to reduce fence height to a maximum height of 42 inches within any front yard.
- Prior to final PUD approval, the applicant shall submit a landscaping plan including size, species, and location of plantings and method of automatic irrigation system. The plans shall specifically address the following requirements:
 - L-1 required in front yards abutting streets.
 - L-2 along perimeter of parking lots that abut property lines and along street frontages.
 - L-2 for interior parking lot landscaping islands.
- Detailed plans shall be provided prior to final PUD approval that show compliance with EC 9.6420(6)(c), which requires wheel stops be provided in parking space at least two (2) feet

from a required landscape bed or a required pedestrian path.

- Prior to final PUD approval, the applicant shall provide detailed bike parking plans which show compliance with the requirements of Eugene Code 9.6105 for 252 long-term bike parking spaces.
- Prior to final PUD approval, the applicant shall provide detailed landscape plans to depict compliance with the parking lot landscaping requirements of EC 9.6420(3) Parking Area Standards, Landscape Standards.
- The final PUD Plan shall be revised so that all compact spaces are clearly labeled on the appropriate plan set sheets.

EC 9.8320(12): The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.

Traffic – The development will have minimal off-site traffic impacts pursuant to the applicable street standards previously discussed. Public Works staff has reviewed the applicant's supplemental TIA information, and recommends approval of the analysis, which shows off-site impacts will maintain City adopted levels of service, thereby addressing the above criterion.

Stormwater – Off-site impacts of stormwater runoff are addressed as part of the applicant's proposed public stormwater collection, conveyance, and treatment system, as discussed previously at criterion (11)(j). Based on these findings, staff concludes that the proposed PUD will comply with the above criterion.

Noise – The development is not expected to generate noise greater than that from a typical residential area. The common open space is located at the center of the development, which confines potential noise from recreational activities. The orientation of residential structures should create an effective sound wall between the majority of parking areas and the recreational areas.

Environmental Quality – The subject property is included in the West Eugene Wetlands Plan, and as such, the area includes acknowledged Goal 5 inventoried natural resources. However, as described previously, the West Eugene Wetlands Plan prescribes this area for development in order to limit development pressures in areas beyond the UGB. In compliance with Public Works Department standards, the applicant has committed to numerous stormwater techniques that are intended to reduce pollutant and sediment discharge into the City's public stormwater system.

Based on these findings, the proposed PUD will comply with the applicable criterion.

EC 9.8320(13): The proposed development shall be reasonably compatible and harmonious with adjacent and nearby land uses.

As noted previously, the project site abuts commercial or open space properties on three of four sides. The southern property boundary runs along West 13th Avenue, a public right-of-way

75-feet in width. Vacant lands designated for Low-density Residential is located on the south side of West 13th Avenue, thereby making the subject site a transitional zone between commercial development along West 11th Avenue and the single-family homes to the south. This transitional approach is consistent with common preferred land use arrangements, thereby placing businesses and higher density housing near transit corridors while buffering the single-family areas. This particular application continues a local pattern of multi-family development between commercial and single-family south of the Amazon Channel.

EC 9.8320(14): If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.

This criterion is not applicable as the proposed development will not require a subsequent land division.

EC 9.8320(15): If the proposed PUD is located within a special area zone, the applicant shall demonstrate that the proposal is consistent with the purpose(s) of the special area zone.

The subject property is not located within any of the special area zones as listed in the Eugene Code, EC 9.3000 through EC 9.3915. As such, this criterion is not applicable.

Staff Recommendation

Based on the available information and materials, and the findings contained in this report, staff recommends that the Hearings Official approve the Tentative PUD with conditions. Staff will provide additional findings confirming the recommendation for TIA approval in a separate memo to the Hearings Official.

Additionally, the applicant requests that the Hearings Official rule on an (a) Extended Final PUD expiration for Phase 2 and (b) the Allowance of Site Alteration prior to Final PUD approval. Planning staff recommends approval of both requests.

Conditions of Approval

Planning Division

1. The proposed L-2 Low Screen Landscape Standard shall be provided along the perimeter of the Phase 1 development site.
2. Prior to final PUD approval, the written narrative and the plan set shall be revised to consistently state the size and type of fencing proposed along the property line.
3. In accordance with EC 9.2751(14), at the time of final PUD, plans shall be revised to reduce fence height to a maximum height of 42 inches within any front yard.
4. Prior to final PUD approval, the tree inventory shall be revised to reflect the park site is Phase 2 of the PUD, thereby including those trees within the phase as "Phase 2," not "off-site".
5. Prior to final PUD approval, the tree inventory shall be revised to depict trees 4061 and

4062 as “REMOVE”, thereby bringing the inventory into consistency with the landscape plan and improving long term health of the trees.

6. Prior to final PUD approval, add the commitment to underground all utilities to plan set sheet P104 Utility Plan.

Public Works Department

7. Prior to final PUD approval, the applicant shall dedicate a 20-foot wide strip of right-of-way along the easterly frontage of the development site on a standard City form, subject to review and approval by City staff, prior to recording at Lane County Deeds and Records.
8. The final PUD plan shall be revised to show bicycle circulation in the direction of Bailey Hill Road through the proposed parking lot in the panhandle of the development site on Sheet P102 – Traffic Circulation Plan. The plan shall also be modified to show how bicyclists will be able to access Bailey Hill Road.
9. Prior to final PUD approval, the applicant shall submit clarification as to whether any development is proposed within the floodway (including fill or grading), including two paper copies of the final PUD plan Sheet P103 – Grading & Sheet P105 – Stormwater Management & Facilities Plan), which includes the SFHA boundary and floodplain declaration.
10. The final PUD plan shall be revised to clearly show that construction of the storm drain on POS property will be private and that the connection to the public system is to be located at the proposed manhole located over the existing public storm drain trunk line on Sheet P104 – Utility Plan and on Sheet P105 – Stormwater Management and Facilities Plan.
11. Sheet P105 – Stormwater Management and Facilities plan of the final PUD plans shall include the note: “On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City’s Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process.”
12. The final PUD Plans shall be revised so that all compact spaces are clearly labeled on the appropriate plan set sheets.

Building Permit Services

13. Prior to final PUD approval, the applicant shall submit a landscaping plan including size, species, and location of plantings and method of automatic irrigation system. The plans shall specifically address the following requirements:
 - a. L-1 required in front yards abutting streets.
 - b. L-2 along perimeter of parking lots that abut property lines and along street frontages.
 - c. L-2 for interior parking lot landscaping islands.
14. Detailed plans shall be provided prior to final PUD approval that show compliance with EC 6420(6)(c), which requires wheel stops be provided in parking space at least two (2) feet from a required landscape bed or a required pedestrian path.

15. Prior to final PUD approval, the applicant shall provide detailed bike parking plans which show compliance with the requirements of EC 9.6105, for 252 long-term bike parking spaces.
16. Prior to final PUD approval, the applicant shall provide detailed landscape plans to depict compliance with the parking lot landscaping requirements of EC 9.6420(3) Parking Area Landscape Standards.
17. Revise final PUD plans as necessary to show compliance with EC 9.6745, namely that those encroachments into the setback along the western and northern property boundary do not include vertical construction greater than 42 inches.

Attachments

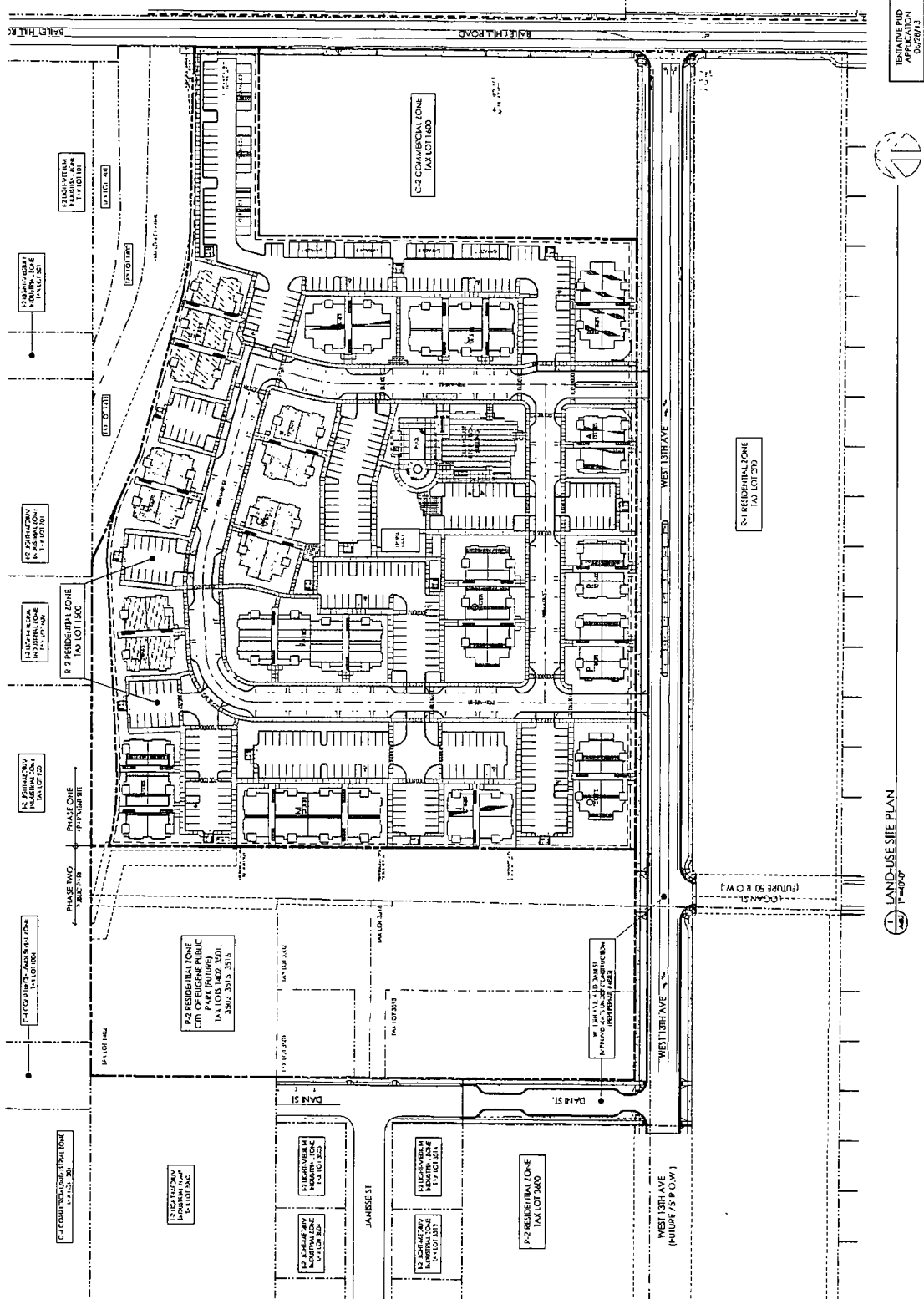
A number of relevant items are attached to this report for ease of reference; however, the balance of the attachments and other materials or comments referred to in the Staff Report are only available for review at the Planning Division. The City File (PDT 13-2) is available for viewing either between 9 – 5 pm Monday through Friday at the Permit and Information Center, or by appointment by contacting the planner listed below. Copies of the materials in the file record for this application can be provided upon request for a fee. The Hearings Official will be provided a full set of the application materials for review.

- A. Vicinity Map
- B. Public Works Department Referral Comments
- C. Applicant's Supplemental Information
 1. Draft Stormwater Easements between City of Eugene and Properties Northwest, LLC.
 2. Supplemental Application Narrative (includes Project Description, Phasing, Proposed Noncompliances, and Site Alteration request).
 3. Request to extend Final PUD timeframe for Phase 2 (City Neighborhood Park)
- D. Additional Informational Items

For more information or to submit public testimony or for more information, please contact Zach Galloway, AICP, Associate Planner at 541.682.5485 or zach.a.galloway@ci.eugene.or.us.

<p>LAND-USE SITE PLAN</p>		<p>DATE: JAN 28, 2013</p> <p>PROJECT: BAILEY HILL APARTMENTS</p> <p>SCALE: 1"=40'-0"</p>
<p>BAILEY HILL APARTMENTS</p> <p>WEST 13TH AVE. & BAILEY HILL ROAD, EUGENE, OREGON</p>		<p>CLIENT: BAILEY HILL PARTNERS, LLC</p> <p>1800 LANCASTER DRIVE, NE SALEM, OREGON 97309</p>
<p>PREPARED BY: RDC</p> <p>ARCHITECTS, INC.</p> <p>2005 SW COLUMBIA BLVD, SUITE 200, EUGENE, OREGON 97401</p>		<p>STATE OF OREGON</p> <p>REGISTERED ARCHITECT</p> <p>NO. 10000</p> <p>EXPIRATION DATE: 12/31/2015</p>

BAILEY HILL APARTMENTS PUD DEVELOPMENT DATA			
BAILEY HILL APARTMENTS SITE (PHASE I)			
SITE AREA:	533,333 S.F. (12.2 ACRES)	EUGENE CITY PARK SITE (PHASE 2)	
ZONING:	R-2 RESIDENTIAL ZONE	SITE AREA:	201,733 S.F. (4.6 ACRES)
MAP AND LOT NO:	MAP 11004441 TAX LOT 1500	MAP AND LOT NO:	MAP 11004441 TAX LOT 1402
RESIDENTIAL DENSITY:	400 SPACES / 100 ACRES PER UNIT	RESIDENTIAL DENSITY:	NO LIMITS DUE TO PUDS



**Public Works Referral Response
Tentative Planned Unit Development – General Criteria**

Date: November 7, 2013
To: Zach Galloway, Planning
From: Ed Haney, Public Works
Subject: PDT13-02 Bailey Hill Apartments

Disclaimer: The following referral comments from Public Works staff reflect a preliminary evaluation of compliance with applicable approval standards and criteria – specific to Public Works issues; the criteria not included in the below are presumed to be evaluated by Planning staff. These referral comments include draft findings and recommended conditions of approval as well as related informational items, relevant to surveying, engineering, transportation, and maintenance issues identified by Public Works staff in the context of the applicable standards and criteria. These referral comments are intended for review by planning staff, for incorporation into the City's written decision on the subject application; however, they do not represent a final determination of compliance with the applicable approval standards and criteria. It is acknowledged that these referral comments are subject to revision upon further coordination with other affected City departments and utility providers.

Summary: Public Works staff recommends conditional approval of the proposed tentative planned unit development based on the following evaluation.

Evaluation: Eugene Code (EC) 9.8320 Tentative Planned Unit Development Approval Criteria

(4) The PUD is designed and sited to minimize impacts to the natural environment by addressing the following:

(d) If the proposal includes removal of any street tree(s), removal of those street tree(s) has been approved, or approved with conditions according to the process at EC 6.305.

This criterion does not apply as the proposal does not include removal of any City street trees. Staff notes however, that if the existing trees identified on Sheet L2.0 as tree number 4061 and 4062 are in place at the time of the Bailey Hill right-of-way dedication, the trees would become street trees subject to the removal and replacement requirements of EC 6.305.

(5) The PUD provides safe and adequate transportation systems through compliance with the following:

The proposed development includes private streets (drive aisles) and sidewalks which will provide connections to the public street system for motorists, bicyclists, pedestrians and emergency vehicles subject to additional findings and conditions for compliance with EC 9.6805 through EC

9.6875, as provided below. Based on these findings, Public Works staff confirms that the proposed development complies with this criterion.

(5)(a) EC 9.6800 - 9.6875 Standards for Streets, Alleys, and Other Public Ways (not subject to modifications set forth in subsection (11) below).

EC 9.6805 Dedication of Public Ways

Pursuant to EC 9.6805, as a condition of any development, the City may require dedication of public ways for bicycle and/or pedestrian use as well as for streets and alleys, provided the City makes findings to demonstrate consistency with constitutional requirements. The public ways for streets to be dedicated to the public by the applicant shall conform with the adopted right-of-way map and EC Table 9.6870.

As discussed in EC 9.6870, which is incorporated herein by reference, 13th Avenue, a major collector has an existing 75-foot right-of-way which meets its required planned width and Dani Street, a medium volume local street, has an existing 60-foot right-of-way which meets the maximum width requirement of EC Table 9.6870 for medium volume local streets. However, the planned right-of-way width in Bailey Hill Road is 80 feet (40 feet each side of centerline) and the existing right-of-way west of centerline is only 20 feet, thus, the following condition is warranted:

- Prior to Final PUD approval, the applicant shall dedicate a 20-foot wide strip of right-of-way (approximately 1700 SF) along the easterly property boundary that abuts Bailey Hill Road on a standard City form, subject to review and approval by City staff, prior to recording at Lane County Deeds and Records.

It is in the public interest to have Bailey Hill Road consist of 80 feet of right-of-way, in order to ensure the full range of services expected for a minor arterial street, which includes safety for pedestrians, bicyclists and motorists traveling in Bailey Hill Road, the efficient provision of emergency services and the guarantee that the proposed development and adjacent properties will be accessible via Bailey Hill Road and 13th Avenue. As a planned width, 80 feet has been determined to be the amount of right-of-way necessary to provide for the full range of street improvements required at EC 9.6505 (*i.e.*, paving, curbs & gutters, storm drainage, street trees and sidewalks). Per the findings at EC 9.6870, which are incorporated herein by reference, the current right-of-way does not include the existing curbside sidewalk and does not provide space for a planter strip, in which street trees can be planted. Without the additional right-of-way, the city will not be able to maintain and repair sidewalks or plant street trees which would provide, in part, for the public enjoyment of the full range of services provided by arterial and collector streets. Further, without the additional right-of-way, there would be inadequate space for future capacity enhancements which will be triggered by nearby residential and commercial growth similar to the current development proposal.

There is a nexus between the requirement to dedicate additional right-of-way in Bailey Hill Road and the public interest at issue. If right-of-way is unavailable for the maintenance and use of existing facilities, for the planting and maintenance of street trees and for future capacity enhancements, the public interest in the safety of pedestrians, bicyclists and motorists traveling in Bailey Hill Road, the efficient provision of emergency services, and the guarantee that the proposed development and other adjacent properties will be accessible via Bailey Hill Road and 13th Avenue will be at risk.

The dedication of a 20' strip of right-of-way which is necessary to complete the Bailey Hill planned width is roughly proportional to the impact that the proposed development will have on the City's transportation facilities. The proposed subdivision will create 252 new apartment units. The residential traffic generated by these 252 new apartment units will be approximately 1676 new vehicular trips per day. See Trip Generation Manual from the Institute of Transportation Engineers (ITE) for Apartments (Category 220). Based on the applicant's TIA, 65% of the ADT, or 1,089 trips per day will utilize the northbound leg of Bailey Hill Road, between 13th Avenue and 11th Avenue, on which the development site has frontage. The requirement to dedicate a 20 foot strip of right-of-way along the site's Bailey Hill frontage will result in the dedication of 1700 SF. Currently, approximately 637 SF of the 1700 SF is encumbered by a sidewalk. For unknown reasons, the sidewalk was constructed on private property; however, the sidewalk is a part of the public sidewalk network along Bailey Hill Road and is currently utilized by the public as a sidewalk. The applicant's proposed site plans show the sidewalk remaining along Bailey Hill Road and also show a connecting pedestrian access to the Bailey Hill Road sidewalk through the development site.

This development application is the last opportunity that the City will have to require the dedication of the needed public right-of-way prior to Phase 1 construction (*i.e.*, 252 apartment units) of the development site.

EC 9.6810 Block Length

Block length standards are not applicable because no new local streets are proposed or required.

EC 9.6815 Connectivity for Streets

In order to meet Street Connectivity standards, the proposed development must, at a minimum, provide extensions of the public way which are consistent with subsections (2)(b), (2)(c) and (2)(d). EC 9.6815 (2)(b) requires street connections in the direction of any planned or existing streets within ¼ mile of the development site and connections to any streets that abut, are adjacent to, or terminate at the development site. EC 9.6815(2)(c) requires that the proposed development include streets that extend to undeveloped or partially developed land adjacent to the development site in locations that will enable adjoining properties to connect to the proposed development's street system. EC 9.6815(2)(d) requires secondary access for fire and emergency vehicles.

The proposed development is bordered by Dani Street to the west, the Amazon Channel to the north, Bailey Hill Road and a commercially zoned lot to the east (17-04-34-41 TL1600) and 13th Avenue to the south. Streets located within ¼ mile of the development site include Janisse Street, an east-west

street located west of the proposed PUD, which terminates at Dani Street, approximately midway through the future park site and Logan Lane, a north-south street located south of the proposed PUD, which terminates at 13th Avenue, near the southeast corner of the future park site.

Subsection (2)(b) does not apply, because, both Janisse Street and Logan Lane terminate at the future park, the development of which does not include an identified need for streets, but which will have street frontage provided by Dani Street on the west and 13th Avenue to the south. Similarly, (2)(c) is not applicable, because the adjacent commercial lot to the east, (TL1600), has access to Bailey Hill Road along its entire frontage. The proposed development complies with subsection (2)(d) because the apartments will have secondary access to the east and west in 13th Avenue and to the north and south via Bailey Hill Road and because the proposed park will have secondary access provided by Dani Street and by 13th Avenue.

The remaining street connectivity standards at (2)(a), (2)(e) and (2)(f) are not applicable.

Given the available information and based on the foregoing findings, the proposed development complies with the street connectivity standards.

EC 9.6820 Cul-de-Sacs and Turnarounds

These standards do not apply because no new cul-de-sacs or streets are proposed or required.

EC 9.6830 Intersections of Streets and Alleys

These standards are not applicable because no new intersections are proposed or required.

EC 9.6835 Public Accessways

This standard is not applicable as there are no existing or potential accessways on adjacent sites that dictate the dedication or construction of a public accessway through the proposed development.

EC 9.6840 Reserve Strips

These standards do not apply because no new public streets are proposed or required and there is no need to restrict access to the existing streets of the development.

EC 9.6845 Special Safety Requirements

There are no special safety requirements necessary to discourage use of the streets by non-local motor vehicle traffic.

EC 9.6850 Street Classification Map

The proposal complies with this standard as discussed in EC9.6870 Street Width, which is incorporated herein by reference.

EC 9.6855 Street Names

This standard does not apply as there are no new streets.

EC 9.6860 Street Right-of-Way Map

The proposal does not amend the right-of-way map. This criterion is not applicable.

EC 9.6870 Street Width

Pursuant to EC 9.6870, the right-of-way and paving widths of streets “shall conform to those widths designated on the adopted Street Right-of-Way map. When a street segment right-of-way width is not designated on the adopted Street Right-of-Way map, the required street width shall be the minimum width shown for its type in Table 9.6870 Right-of-Way and Paving Widths”, although a greater width can be required based on adopted plans and policies, adopted “Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways” or other factors which in the judgment of the planning and public works director necessitate a greater street width.

Bailey Hill Road is identified on the adopted Street Classification Map and Right-of-Way Map (Fig. 60-61 of the Arterial and Collector Street Plan (ACSP)) as a minor arterial street with a planned width of 80 feet (*i.e.*, 40 feet on each side of centerline). As depicted, on County Survey File No. 42336, which was completed by Dan Baker, PLS, for Properties Northwest, L.L.C. and Rexius Forest By-Products, Inc., the existing right-of-way on the west (development) side of the Bailey Hill Centerline is only 20 feet. Likewise, the site plans (see Sheet A0.1 - Land Use Site Plan and Sheet P100 – Existing Conditions) clearly show the development’s property line extending over the existing sidewalk on the west side of Bailey Hill Lane. As such, Bailey Hill Road does not comply with the minimum right of way width standard.

West 13th Avenue, is identified on the adopted Street Classification Map and Right-of-Way Map as a major collector street with a planned width of 75 feet. West 13th Ave. has an existing right-of-way of 75 feet, thus it complies with this standard.

Dani Street, which is not identified on the adopted Street Classification Map or the adopted Right-of-Way Map (Fig. 60-61 of the Arterial and Collector Street Plan (ACSP)), is a local street which will function as a medium volume local street. Per EC Table 9.6870, medium volume local streets are required to have between 20 and 34 feet of paving within a 50 to 60 foot of right-of-way range. Since the existing 60-foot right-of-way in Dani Street matches the maximum width of EC Table 9.6870, no additional right-of-way is required for Dani Street.

EC 9.6873 Slope Easements

This standard does not apply because no public streets are proposed or required.

EC 9.6875 Private Street Design Standards

These standards do not apply because no private streets are proposed or required.

- (5)(b) Pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks, provided the city makes findings to demonstrate consistency with constitutional requirements. “Nearby” means uses within 1/4 mile that can reasonably be expected to be used by pedestrians, and uses within 2 miles that can reasonably be expected to be used by bicyclists.**

Sheet P102 – Traffic Circulation Plan depicts internal circulation bicyclist and pedestrian circulation patterns and connections to the future park and the adjacent public street system. Staff notes that pedestrian access to the sidewalks in Bailey Hill Road is provided for by a private sidewalk located immediately north of the parking area in the panhandle portion of the development, however bicycle access is not shown in the direction of Bailey Hill Road, which has bicycle facilities and a nearby connection to the Amazon Channel Bike Path. In order to ensure bicycle connections are available towards Bailey Hill Drive, the following condition is warranted:

- The Final PUD plan shall be revised shall be revised to show bicycle circulation in the direction of Bailey Hill Lane through the proposed parking lot in the panhandle of the development site on Sheet P102 – Traffic Circulation Plan. The plan shall also be modified to show how bicyclists will be able to access Bailey Hill Road.

Additional referral comments related to this criterion to be provided by Planning.

- (5)(c) The provisions of the Traffic Impact Analysis Review of EC 9.8650 through 9.8680 where applicable.**

Regarding EC 9.8650 through EC 9.8680 Traffic Impact Analysis Review, the traffic impact analysis is being reviewed separately as application number TIA 13-04 and is incorporated by reference.

- (6) The PUD will not be a significant risk to public health and safety, including but not limited to soil erosion, slope failure, stormwater or flood hazard, or an impediment to emergency response.**

Due to the level nature of the site, soil erosion and slope failure are unlikely. Because of the size of the site and because the site drains directly to Amazon Creek, an erosion control plan will be required to ensure prevention of slope erosion during construction and will be required as part of the building permit process. Additionally, per the geotech report, the site is suitable for the proposed development and no specific site features or subsurface conditions were found that would impede the proposed design and construction of the project as planned.

With regard to risk of stormwater or flood hazard, per the findings at EC 9.8320(11)(c), any structures placed within the identified flood hazard area will be required to comply with EC 9.6707 through EC 9.6709. The development itself will not result in unreasonable risk of flood per the stormwater management evaluation at EC 9.8320(11)(j).

Emergency Response criterion is subject to review by Emergency Services staff.

Based on these findings and future permit requirements, the proposed development will comply with this criterion.

- (7) Adequate public facilities and services are available to the site, or if public services and facilities are not presently available, the applicant demonstrates that the services and facilities will be available prior to need. Demonstration of future availability requires evidence of at least one of the following:**
- (a) Prior written commitment of public funds by the appropriate public agencies.**
 - (b) Prior acceptance by the appropriate public agency of a written commitment by the applicant or other party to provide private services and facilities.**
 - (c) A written commitment by the applicant or other party to provide for offsetting all added public costs or early commitment of public funds made necessary by development, submitted on a form acceptable to the city manager.**

Public Works staff concurs with the applicant's statement that adequate public utilities and services, including wastewater service, are presently available to the site as indicated on the applicant's plans. Findings at EC 9.8320(11)(b) and (j), regarding public improvements and stormwater respectively, are incorporated herein by reference as further evidence that these services are available to or can be retained on-site. Given these findings, the proposal is in compliance with this criterion.

The provision of water and electric services and other utilities is subject to review by EWEB or other utility providers.

- (9) Stormwater runoff from the PUD will not create significant negative impacts on natural drainage courses either on-site or downstream, including, but not limited to, erosion, scouring, turbidity, or transport of sediment due to increased peak flows or velocity.**

Stormwater runoff from the development site will be collected in a piped system and conveyed to a public storm drain before being discharged to the Amazon Channel. As discussed at criterion 11(j), which is incorporated by reference, there is adequate capacity in the downstream modeled portions of the public system and in the 36" trunk line located in the future park. It is further noted that there are no new outfalls to the Amazon Channel. An erosion prevention permit will be required prior to any ground-disturbing activities that would result in large quantities of sediment leaving the construction site.

Additionally, water quality manholes will provide treatment of the stormwater runoff before it enters the existing public system. Stormwater management is discussed in greater detail later in this report at criterion (11)(j). Based on these findings the development will comply with this criterion.

**(11)(b) The PUD complies with EC 9.6500 through EC 9.6510 Public Improvement Standards
9.6500 Easements**

This section authorizes the City to require dedication of easements for public utilities and access under certain circumstances. This section also prohibits obstructions within public easements.

The applicant does not propose any public easement dedications nor are there any public improvements that would result in the need for additional public wastewater or stormwater easements on the subject property.

Based on these findings, the proposed subdivision complies with EC 9.6500.

9.6505 Improvements – Specifications

EC 9.6505 Improvements-Specifications requires that all public improvements be designed and constructed in accordance with adopted plans, policies, procedures and standards specified in EC Chapter 7. No public improvements are proposed or required of this partition; however, all developments are required to make and be served by the infrastructure improvements described below.

1) Water Supply

Water service for the proposed development must be provided in accordance with Eugene Water and Electric Board (EWEB) policies and procedures.

2) Sewage

This standard requires all developments to be served by wastewater sewage systems of the city, in compliance with the provisions of Chapter 6 of this code. The applicant proposes to connect the private wastewater system to an existing 8" public lateral that was designed to be stubbed from public wastewater manhole no. 19368 in 13th Avenue under City Contract No. 2014-0503.

Based on these findings, the applicant's proposed wastewater system conceptually complies with applicable sewage specifications, subject to a more detailed review during the subsequent site development and building permit processes.

3) Streets and Alleys and 4) Sidewalks

EC 9.6505(3), (a)&(b) requires all streets in and adjacent to the development site to be paved to the width specified in EC 9.6870, and improved according to adopted standards and specifications pursuant to Chapter 7 of this code, unless such streets have already been paved to that width. The improvements are to include drainage, curbs & gutters, sidewalks, street trees and street lights adjacent to the development site according to the Design Standards and Guidelines for Eugene Streets, Sidewalks, Bikeways and Accessways and standards and specifications adopted pursuant to Chapter 7 of this code and other adopted plans and policies."

Full street and sidewalk improvements, conforming to these standards have been permitted for construction in 13th Avenue, which is adjacent to the southerly boundary of the proposed PUD, and in Dani Street, which is adjacent to the westerly boundary of the proposed PUD, under City Contract No. 2014-0503. Additionally a Street Tree Agreement is in place for the installation of street trees in both streets.

Bailey Hill Road, which was originally improved to City standards under City Contract No. 1974-0028 has 44' paving, curbs and gutters, storm drainage, curbside sidewalks and street lights, but lacks street trees.

Per Sheet L1.0 – Overall Landscape Plan, the applicant proposes to plant Large Deciduous Trees adjacent to Bailey Hill Road. Staff acknowledges the applicant's intent to plant trees and notes that any trees planted within the future Bailey Hill right-of-way will become Street Trees upon dedication of the right-of-way. The applicant's proposal to plant trees in the future public right-of-way (see Sheet L1.1) is conceptually acceptable, however prior to planting the trees; the applicant shall obtain a Street Tree Planting Permit (for which there is no fee) from Urban Forestry.

Based on the above findings, condition and future building permit requirements; the proposed PUD will comply with EC 9.6500.

5) Bicycle Paths and Accessways

No bicycle paths or public access ways are required per the previous findings at EC 9.6835, which are incorporated by reference.

(11)(c) The PUD complies with Special Flood Hazard Area development standards (EC 9.6705 through EC 9.6709)

A portion of the development site is within the Special Flood Hazard Area (SFHA) Zone AE and within the floodway as identified on the Flood Insurance Rate Map 41039C and Panel 1117F. The floodway is usually associated with high velocity flows and is also required to remain unobstructed in order for floods to be able to be conveyed through communities. While only a small amount of the site is actually within the designated floodway the applicant is responsible for clarifying whether any development including fill or grading is proposed in this area. Development for floodplain regulation purposes, EC9.6705 to 6.6709, is broadly defined. Appendix A of the Public Improvement Design Standards is one of the better resources should any development be proposed within the floodway.

Staff disagrees with the floodplain boundary as depicted on Sheet P100 – Existing Conditions, however the differences are relatively insignificant. Buildings E and H and the trash enclosures located in the parking courts that are due west of each of the buildings are located within the SFHA

zone AE. The upstream most Base Flood Elevation for the site 396.4' 1929 NGVD per the Flood Insurance Study.

Development is allowed to occur within the SFHA, subject to review and approval for compliance with applicable development standards during the building permit process. All development within the SFHA is required to comply with the standards at EC 9.6707 through EC 9.6709. These standards generally require, for areas located in Zone AE, that structures be located at least one foot above the BFE among other requirements. At the time of development (i.e. building permits), these standards may be addressed through several alternatives, including elevated building foundations or, typically, placing fill on the building site. Specific measures for compliance with SFHA standards will be subject to further City review and approval at the time of building permits.

In order to ensure compliance with these standards the following condition is warranted:

- Prior to final PUD approval, the applicant shall submit for City review and approval, clarification as to whether any development is proposed within the floodway (including fill or grading), two paper copies of the final PUD plan Sheet P103 – Grading & Sheet P105 – Stormwater Management & Facilities Plan), which includes the SFHA boundary and floodplain declaration.

Example language for the floodplain declaration is included below. Alternative language must be submitted for review.

AS OF THE RECORDING DATE OF THIS PLAT A PORTION OF THIS DEVELOPMENT SITE LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ZONES 'AE' AND THE FLOODWAY AS DETERMINED FROM THE ADOPTED FLOOD INSURANCE RATE MAP NUMBER 41039C AND PANEL 1117. THE FLOOD INSURANCE RATE MAP HAS AN EFFECTIVE DATE OF JUNE 2, 1999. NO DEVELOPMENT IS AUTHORIZED WITHIN THE FLOODWAY. THE BASE FLOOD ELEVATION HAS BEEN DETERMINED TO BE 396.4 FEET 1929 NGVD PER THE ADOPTED FLOOD INSURANCE STUDY.

Questions related to the floodplain or floodway boundary, floodplain declaration or other questions related to development within the floodplain should be addressed to Quentin Blattler at (541) 682-8130.

11)(d) The PUD complies with Geological and Geotechnical Analysis (EC 9.6710)

The applicant submitted a report that is entitled Geotechnical Investigation – Bailey Hill Apartments – 1250 Bailey Hill Road - Eugene, Oregon, dated June 12, 2013, which was prepared by Branch Engineering, Inc. and stamped by Ronald J. Derrick, P.E, G.E. The report includes an analysis of site characteristics, sub-surface investigation and recommendations for design and construction techniques in relation to the proposed development, consistent with these standards. Public Works staff concurs with this initial geotechnical assessment. Adherence to the report recommendations will be required during subsequent Building Permit process. Based on these findings and future permit requirements, the development complies with this criterion.

(11)(f) The PUD complies with Public Access (EC 9.6735)**EC 9.6735 Public Access Required.**

(1) Except as otherwise provided in this land use code, no building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this land use code.

With frontage on Dani Street, West 13th Avenue, and Bailey Hill Drive, the proposed PUD complies with this criterion.

(2) Access from a public street to a development site shall be located in accordance with EC 7.420 Access Connections – Location. If a development will increase the development site’s peak hour trip generation by less than 50% and will generate less than 20 additional peak hour trips, the development site’s existing access connections are exempt from this standard.

The proposed development site is subject to this standard. The applicant proposes 2 access points onto 13th Avenue, a major collector and a single access point onto Bailey Hill Road, a minor arterial, which is restricted to emergency access only. Staff confirms that the proposed access connections comply with the standards at EC 7.420 – **Access Connections - Location.**

(3) The standard at (2) may be adjusted if consistent with the criteria of EC 9.030(28).

Based on the foregoing findings, the development complies with these standards and no adjustment is necessary.

(11)(g) The PUD complies with Special Setback Standards (EC 9.6750)

As discussed previously at EC 9.6805 and EC 9.6870, which is incorporated herein by reference, Dani Street, West 13th Avenue and Bailey Hill Road will comply with applicable right-of-way width requirements. No special setbacks are required for future right-of-way or public utility easements.

(11)(i) The PUD complies with Vision Clearance Area (EC 9.6780)

These standards do not apply because the subject property is not located at an public street intersection.

(11)(j) The PUD complies with Stormwater Development Standards (EC 9.6791 – 9.6797)

In regards to EC 9.6791 Stormwater Destination, it is noted in the written statement that the 12.31 acre Phase 1 development site (apartments) is split equally by the boundary between sub-basins BH-030 and BT-050 of the Amazon Basin. Public storm drainage is available to the west in Parks and Open Space (POS) property in a 36” trunk line which discharges to the Amazon Channel, just east of node no. 71089. The developer of the apartment site has reached an agreement with POS which will allow for the extension of a private 27” storm drain pipe from the apartment site to the

aforementioned 36" storm drain through the PEPI process. The City has prepared draft stormwater easements, which vary from 5 to 10 feet in width to accommodate the storm drain pipe as well as a 20' temporary construction easement to facilitate construction. As shown on Sheet P104 & P105, the storm drain construction would be public to be designed and constructed through the PEPI process, however in an e-mail dated 10/28/13, the applicant's engineer confirms that the portion of the storm drain located on POS property is intended to be private. In order to ensure conformance with the tentative plan, the following condition is warranted:

- The Final PUD plan shall be revised to clearly show that construction of the storm drain on POS property will be private and that the connection to the public system is to be located at the proposed manhole located over the existing public storm drain trunk line on Sheet P104 – Utility Plan and on Sheet P105 – Stormwater Management and Facilities Plan.

Staff confirms that the Amazon Channel was modeled in the Eugene Stormwater Basin Master Plan – Volume II of VII for the Amazon Basin and that no downstream capacity issues have been identified. Additionally, on 11/16/13, the applicant submitted as supplemental information, a Storm Water Analysis, prepared by Devco Engineering, Inc., stamped by Steven C. P. Hattori, P.E. and dated November 2013, which demonstrates that there is adequate capacity in the existing trunk line that is located between the proposed connection to the 36" storm drain and the outfall to the Amazon Channel (approx. 70 linear feet), even with the re-direction of approximately 6 acres of storm water runoff from the Bertelsen (BT-050) sub-basin to the Bailey Hill (BH-030) sub-basin.

In regards to EC 9.6792 Stormwater Pollution Reduction, the applicant's proposal to construct a privately maintained water quality manhole (Contech Stormfilter) at the downstream end of the on-site private system is conceptually acceptable, subject to more detailed building permit reviews for compliance with applicable standards.

EC 9.6793 Stormwater Flow Control does not apply because runoff from the development site is not discharged into a headwaters stream and or into a pipe that discharges into an existing open waterway that is above 500 feet in elevation.

EC 9.6794 Stormwater Oil Control applies because the development has 468 parking spaces. The applicant's proposal to address oil control standards by collecting runoff from pollution generating impervious surfaces in lynch style catch basins is conceptually acceptable. The final design and installation specifications and adherence to the oil control requirements will be more precisely determined during the building permit process.

In regards to EC 9.6795 Stormwater Source Controls, the applicant indicates that trash enclosures will be covered; pad sloped and piped to the wastewater system. A more detailed review for specific source control measures will occur during the subsequent building permit process for

compliance with this standard and the City's Stormwater Management Manual. Based on these findings and future permit requirements, the development will comply with the source control requirements at EC 9.6795.

EC 9.6796 Dedication of Stormwater Easements, does not apply because the proposed storm drainage system will be privately operated and maintained.

EC 9.6797 Stormwater Operations and Maintenance applies to all facilities designed and constructed in accordance with the stormwater development standards. This section also specifies when, and under what conditions, the public will accept functional maintenance. Consistent with these standards, the applicant proposes private operation and maintenance of the on-site stormwater management facilities. To ensure compliance with EC 9.6797(3)(c), as proposed, the following condition of approval is recommended.

- Sheet P105 – Stormwater Management and Facilities plan of the Final PUD plans shall include the note: "On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City's Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process."

With the findings, conditions, and future permit requirements noted above, staff finds that this criterion will be met.

(11)(k) All other applicable development standards for features explicitly included in the application except where the applicant has shown that a proposed noncompliance is consistent with the purposes set out in EC 9.8300 Purpose of Planned Unit Development.

Features explicitly included in the application that triggers review of other development standards, are the parking area, which requires compliance with **EC 9.6420 Parking Area Standards**, and the configuration of the proposed access connection, which requires compliance with **EC 7.410 Access Connections Number, Width and Shared**.

Per Sheets A0.0 and A1.1 – A1.4 the development includes 468 on-site parking spaces distributed among 330 standard parking spaces, 9 compact spaces, 13 handicap accessible spaces 35 garage spaces and 81 on-street (drive aisle) parking spaces. Public Works staff confirms that the stall and aisle dimensions comply with the parking area standards at EC 9.6420(1). However in order to ensure conformance with this standard, the following approval condition is warranted:

- The Final PUD Plan shall be revised so that the 9 compact spaces are clearly labeled on Sheets A1.1 – A1.4.

Additionally the proposed parking lot complies with the parking lot drainage requirements at EC9.6420(2).

Per EC 7.410(3) the city engineer or engineer's designee may approve a request for an exception to subsection (2) of this section. Staff notes the proposal for 34-foot wide access connections implicitly includes a request for an exception to maximum width 20 feet for the proposed access connections. The proposed 34-foot driveway will align with the primary site entrance (east), which consists of two 14-foot drive aisles separated by a 6 foot median at the easterly entrance. Similarly, the 24-foot driveway will align with secondary site entrance (west), which consists of 12 foot drive aisles. Both access connections are within the range of acceptable widths (20' – 50') identified for developments other than single or two family dwellings.

Based on its major collector classification and the width (44') of paving improvements, 13th Avenue is intended to carry the larger volumes of traffic which will be generated by the development; therefore, staff concludes that the additional width of the access connections will provide safe ingress and egress to the development site, will not negatively impact the efficiency of the right-of-way and will not result in traffic hazards to bicycle, pedestrian or vehicular traffic using the right-of-way. Based on these findings the Alternative Traffic Safety Study (ATSS) requirements of subsections EC 7.410 (3)(b) are satisfied and there is no further need for an ATSS at the time of site development. Additionally, the proposal complies with the standards at subsections (3)(c) and (3)(d).

Based on these findings and condition the proposed PUD will comply with these standards.

(12) The proposed development shall have minimal off-site impacts, including such impacts as traffic, noise, stormwater runoff and environmental quality.

The development will have minimal off-site traffic impacts per the findings provided previously at criterion (5)(c) regarding traffic impact analysis, and pursuant to the street standards beginning at EC 9.6805 regarding the existing and proposed street system. Off-site impacts of stormwater runoff is addressed as part of the applicant's proposed public stormwater collection, conveyance, and treatment system, as discussed previously at criterion (11)(j). Based on these findings, staff concludes that the proposed PUD will comply with the applicable criterion.

(14) If the tentative PUD application proposes a land division, nothing in the approval of the tentative application exempts future land divisions from compliance with state or local surveying requirements.

This criterion is not applicable as the proposed development will not require a subsequent land division.

Public Works staff recommends the following conditions of approval:

- Prior to Final PUD approval, the applicant shall dedicate a 20-foot wide strip of right-of-way

(approximately 1700 SF) along the easterly property boundary that abuts Bailey Hill Road on a standard City form, subject to review and approval by City staff, prior to recording at Lane County Deeds and Records.

- The Final PUD plan shall be revised to show bicycle circulation in the direction of Bailey Hill Lane through the proposed parking lot in the panhandle of the development site on Sheet P102 – Traffic Circulation Plan. The plan shall also be modified to show how bicyclists will be able to access Bailey Hill Road.
- Prior to final PUD approval, the applicant shall submit for City review and approval, clarification as to whether any development is proposed within the floodway (including fill or grading), two paper copies of the final PUD plan Sheet P103 – Grading & Sheet P105 – Stormwater Management & Facilities Plan), which includes the SFHA boundary and floodplain declaration.
- The Final PUD plan shall be revised to clearly show that construction of the storm drain on POS property will be private and that the connection to the public system is to be located at the proposed manhole located over the existing public storm drain trunk line on Sheet P104 – Utility Plan and on Sheet P105 – Stormwater Management and Facilities Plan.
- Sheet P105 – Stormwater Management and Facilities plan of the Final PUD plans shall include the note: “On-site stormwater management facilities will be privately owned and operated. An operation and maintenance plan will be developed consistent with the City’s Stormwater Management Manual, and notice of this plan will be recorded, during the building permit process.”
- The Final PUD Plan shall be revised so that the 9 compact spaces are clearly labeled on Sheets A1.1 – A1.4.

Informational Items:

- Example language for the floodplain declaration is included below. Alternative language must be submitted for review.

AS OF THE RECORDING DATE OF THIS PLAT A PORTION OF THIS DEVELOPMENT SITE LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ZONES ‘AE’ AND THE FLOODWAY AS DETERMINED FROM THE ADOPTED FLOOD INSURANCE RATE MAP NUMBER 41039C AND PANEL 1117. THE FLOOD INSURANCE RATE MAP HAS AN EFFECTIVE DATE OF JUNE 2, 1999. NO DEVELOPMENT IS AUTHORIZED WITHIN THE FLOODWAY. THE BASE FLOOD ELEVATION HAS BEEN DETERMINED TO BE 396.4 FEET 1929 NGVD PER THE ADOPTED FLOOD INSURANCE STUDY.

Questions related to the floodplain or floodway boundary, floodplain declaration or other questions related to development within the floodplain should be addressed to Quentin Blattler at (541) 682-8130.

- The applicant's proposal to plant trees in the future public right-of-way (see Sheet L1.1) is conceptually acceptable, however prior to planting the trees; the applicant shall obtain a Street Tree Planting Permit (for which there is no fee) from Urban Forestry.

JANISCH Amy C

From: BJORKLUND Neil H
Sent: Wednesday, October 02, 2013 5:01 PM
To: GALLOWAY Zach A
Cc: HANEY Ed R; REXIUS Rusty (SMTP); ScottRDG@aol.com
Subject: Draft Easement Agreement for Rexius/Bailey Hill Park Site

Zach—As I discussed with you earlier, we have drafted two easement agreements that we plan to execute upon the approval of the Tentative PUD application for the Bailey Hill Apartments (PDT 13-002, 1704344101500). The easements will create a temporary construction easement and a permanent stormwater utility easement. Drafts of the two agreements are attached. I am submitting this information and these drafts to be included in the record for this application

We have reached agreement with our co-applicant on the location of these easements. Some of the other terms, such as payment and exact timing, have yet to be finalized.



Rexius Base.pdf



Rexius Stormwater.pdf

Let me know if you have any questions.

Neil Bjorklund

Parks and Open Space Planning Manager
Eugene Parks and Open Space Division
541.682.4909

CITY FILE NO. _____

APPROVED AND ACCEPTED BY CITY OF EUGENE, OR

City Deputy Recorder

Date

Attachment C

STORMWATER EASEMENT

CITY OF EUGENE, an OREGON MUNICIPAL CORPORATION, GRANTOR, conveys to **PROPERTIES NORTHWEST, LLC, an Oregon Limited Liability Company,** formed and existing under the laws of the State of Oregon, **GRANTEE,** an easement over, across, and under the following described land and real property:

See attached **Exhibit A** (drawing) and **A-1** (property description)

for a stormwater system to be constructed and located below the surface of the real property, as the same has been surveyed and located over said real property. The Grantee, and its assigns, and its contractors, subcontractors, agents or employees, shall have the right to go upon said real property for the purpose of constructing and maintaining said system. The said system shall be so constructed so as to do no damage to said real property. After the construction of said system said real property, at the points where the sewer is laid and constructed, shall be left in as good condition as before the construction of the system. The Grantee shall have the right to permanently maintain said system over said real property, and its agents and employees shall have the right to go upon said real property at the points where the said system shall be located and constructed, for the purpose of maintaining and repairing the system with the understanding that the Grantee, its agents or employees, in maintenance or repairing of the system, shall do no damage to the real property, and shall leave the real property in the same condition as before.

Subject to the foregoing limitation Grantor may use said easement area for roadway, parking, or landscape purposes, or for any other purpose not inconsistent with said easement.

The true and actual consideration for this easement is \$ _____.

Dated this _____ day of _____, 2013

CITY OF EUGENE

X _____

STATE OF OREGON, County of Lane, ss

This instrument was acknowledged before me this _____ day of _____, 2013

by: _____ who is the _____ of the

Grantor, on behalf of the City of Eugene, an Oregon municipal corporation

Notary Public for Oregon

My Commission Expires

AFTER RECORDING RETURN TO: City of Eugene, City Recorder, Eugene, Oregon 97401
UNTIL A CHANGE IS REQUESTED, MAIL ALL TAX STATEMENTS TO:

No Change
17-04-34-41

EXHIBIT A-1
DESCRIPTION OF A VARYING WIDTH
STORM DRAINAGE EASEMENT

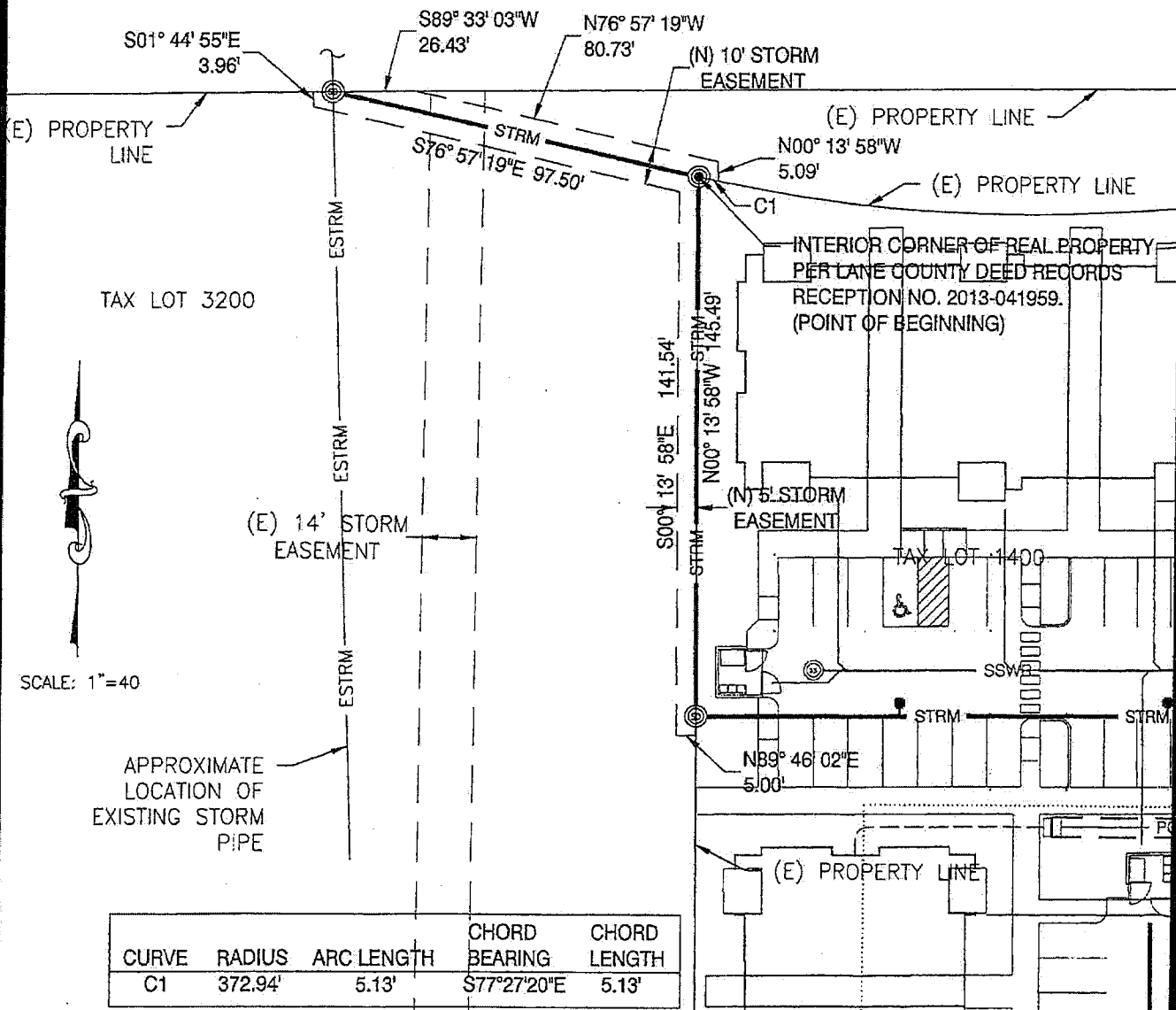
Beginning at the interior northeast corner of that real property as described by Lane County Deed Records Reception number 2013-041959; thence along the arc of a 372.94 foot radius curve to the left 5.13 feet (the long chord of which bears South 77°27'20" East 5.13 feet) to a point; thence North 00°13'58" West 5.09 feet to a point; thence North 76°57'19" West 80.73 feet to a point on the northerly line of said property; thence along said northerly line South 89°33'03" West 26.43 feet to a point; thence leaving said northerly line South 01°44'55" East 3.96 feet to a point; thence South 76°57'19" East 97.50 feet to a point; thence South 00°13'58" East 141.54 feet to a point; thence North 89°46'02" East 5.00 feet to a point the interior easterly line of said property; thence along said interior easterly line North 00°13'58" West 145.49 feet to the Point of Beginning as shown on EXHIBIT A-2.

The bearings and distances contained herein are based on Lane County Survey File No. 42336 by Daniel W. Baker as filed in the Lane County Oregon Survey Files.

245 N.E. Conifer, P.O. Box 1211
Corvallis, OR 97339
Fax: (541) 757-9885
(541) 757-8991

EXHIBIT A

SKETCH OF PARK PROPERTY
STORM DRAINAGE EASEMENT



*BEARINGS AND DISTANCES PER LANE COUNTY SURVEY FILE NO. 42336

PROJECT: BAILEY HILL

DESIGN: DEVCO

DATE: 08/29/13

PROJECT NO: 12439

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DEVCO ENGINEERING, INC.
ALL RIGHTS RESERVED.

By: _____

City Deputy Recorder

Date

TEMPORARY CONSTRUCTION AND ACCESS EASEMENT

CITY OF EUGENE, an Oregon Municipal Corporation, GRANTOR, conveys to PROPERTIES NORTHWEST LLC, a limited liability company formed and existing under the laws of the State of Oregon, GRANTEE, a temporary construction and access easement for the construction of a private stormwater line under the following described land and real property:

SEE ATTACHED EXHIBITS "B-1" (PROPERTY DESCRIPTION) and "B-2" (DRAWING)

The Grantee and its assigns, and their employees, agents, and contractors shall have the right of access to said real property for the specified purposes with the provision that thereafter the affected real property shall be left, to the extent it is commercially reasonable, in as good condition as before such access to include fill, grading, and seeding to match the area in the before condition.

This temporary construction and access easement shall terminate upon completion of the project or May 30, 2014, whichever occurs first.

The true and actual consideration for this easement is \$ _____

Dated this _____ day of _____ 2013

CITY OF EUGENE

X _____

STATE OF OREGON, County of Lane, ss:

This instrument was acknowledged before me this _____ day of _____, 2013
by _____ who is the _____, of the
Grantor, the City of Eugene, on behalf of the Grantor.

Notary Public for Oregon

My Commission Expires

UNTIL A CHANGE IS REQUESTED, MAIL ALL TAX STATEMENTS TO:

NO CHANGES

17-04-34-41

EXHIBIT B-1
DESCRIPTION OF A 20-FOOT WIDE
TEMPORARY CONSTRUCTION EASEMENT

Beginning at a point that bears South 51°24'21" West 6.38 feet from the interior northeast corner of that real property as described by Lane County Deed Records Reception number 2013-041959; thence North 76°57'19" West 97.50 feet to a point; thence North 01°44'55" West 3.96 feet to a point on the northerly line of said property; thence along said northerly line South 89°33'03" West 20.00 feet to a point; thence leaving said northerly line South 01°44'55" East 19.82 feet to a point; thence South 76°57'19" East 97.07 feet to a point; thence South 00°13'58" East 145.71 feet to a point; thence North 89°46'02" East 25.00 feet to a point on the interior easterly line of said property; thence along said interior easterly line North 00°13'58" West 20.00 feet to a point; thence leaving said interior easterly line South 89°46'02" West 5.00 feet to a point; thence North 00°13'58" West 141.54 feet to the Point of Beginning as shown on EXHIBIT B-2.

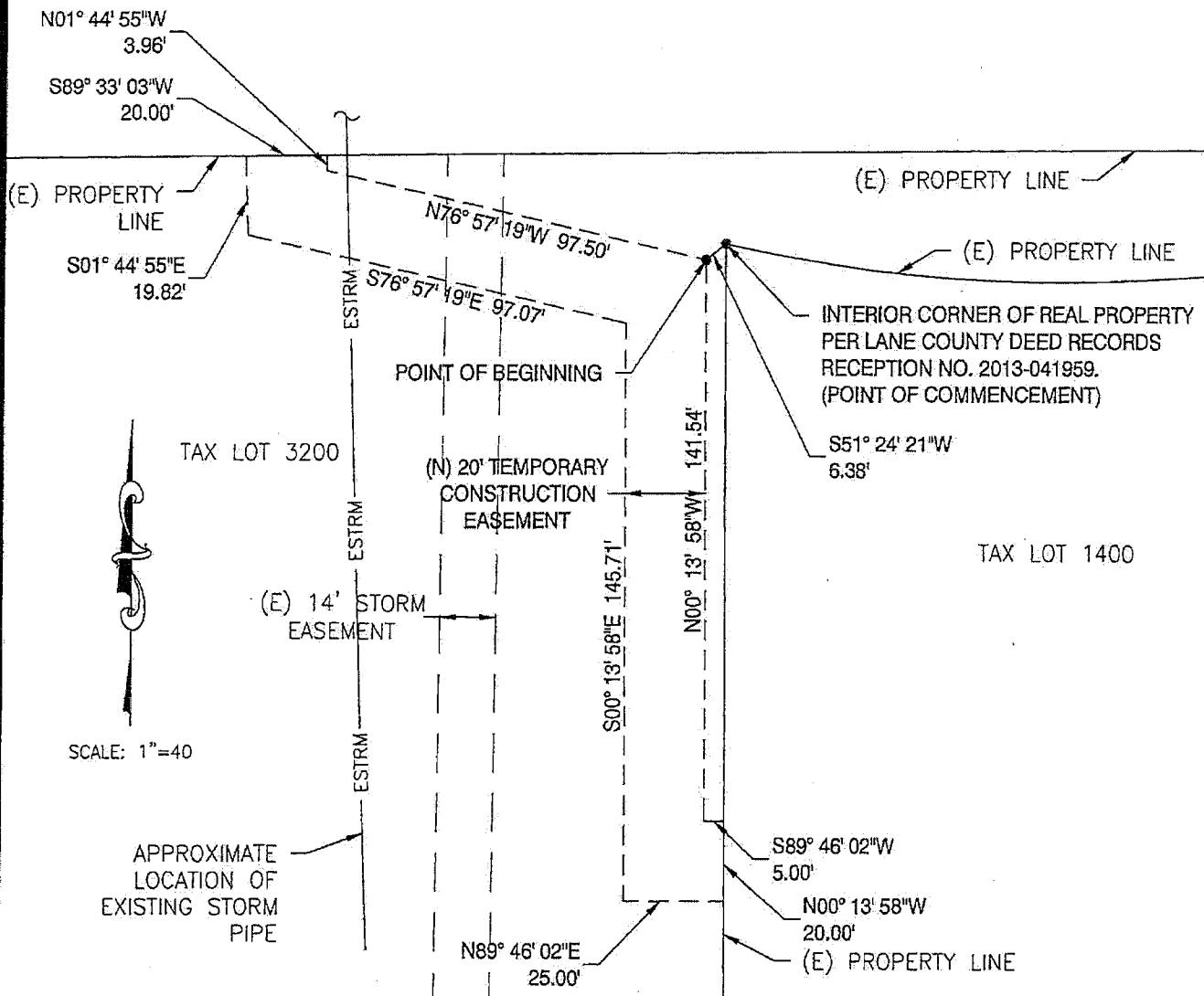
The bearings and distances contained herein are based on Lane County Survey File No. 42336 by Daniel W. Baker as filed in the Lane County Oregon Survey Files.



245 N.E. Conifer, P.O. Box 1211
Corvallis, OR 97339
Fax: (541) 757-9885
(541) 757-8991

EXHIBIT B-2

SKETCH OF PARK PROPERTY TEMPORARY STORM CONSTRUCTION EASEMENT



*BEARINGS AND DISTANCES PER LANE COUNTY SURVEY FILE NO. 42336

PROJECT: BAILEY HILL

DESIGN: DEVCO

DATE: 08/29/13

PROJECT NO: 12439

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DEVCO ENGINEERING, INC.
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FILE: I:\CML30 Projects\12439\Production Drawings\Land-use\12439PARKEASEMENTS.dwg [EXHIBIT B-2] 9/4/2013 1:39 PM - Scott

BAILEY HILL APARTMENTS

PLANNED UNIT DEVELOPMENT

TENTATIVE STAGE

SUPPLEMENTAL APPLICATION NARRATIVE

10/30/13

PROJECT DESCRIPTION

The proposed project consists of the development of a multiple family apartment project and a future City of Eugene Public Park. The proposed development will be completed in two phases. The First Phase will be the Tentative and Final PUD process for the development of the apartment site which consists of 252 multi-family housing units with associated tenant facilities, parking and clubhouse on a 12.31-acre parcel of land. The First Phase will also include the Tentative PUD approval for the City of Eugene Public Park. The Second Phase will be the Final PUD Approval and development of the 5.07 acre City of Eugene Public Park. The subject properties for both phases are currently zoned R-2 with a Planned Development Overlay.

The Phase One subject parcel is a part of the overall Rexus landscape Materials property and the lot line adjustments have been completed creating the new parcels. The proposed Phase Two for the City Park is also a part of the former Rexus landscape materials property. The Phase Two park parcels have also been adjusted and are now owned by the City of Eugene. The previous owner, Rexus is in the process of completing a property line adjustment for this subject site and construction of the W. 13th Avenue Street and public improvements is currently underway. Both of these processes are separate from this application.

The Phase One apartment site will have its primary access from the newly constructed W. 13th Avenue with an emergency vehicle only access to Bailey Hill Rd. W. 13th Avenue is located on the southerly boundary, The Amazon Channel is on the northerly boundary, the Phase Two City of Eugene City Park is located adjacent the Westerly boundary and a vacant commercial zoned parcel is adjacent the easterly boundary.

As a part of the Phase One Tentative Approval, the applicant is requesting that the Hearings Officer permit preliminary sitework to be completed prior to the Final PUD Approval. The scope of site work to be included is continued clearing, rough grading and filling of the apartment site from the new West 13th Right-of-way northward toward the Amazon Channel. The wetlands delineation and mitigation has been approved with the West 13th PEPI improvements and the existing tree survey and preservation plan has been completed as a part of this application.

The Phase Two Eugene City Park will have its access from West 13th Avenue and Dani Street. The park site abuts the Phase One apartment site to the east, West 13th Avenue to the South, Dani Street and lot 3200 to the West and C-4 Commercial and I-2 Light-Medium Industrial properties to the North. The proposed city park will be developed as publically owned neighborhood park to serve residents within a ½ mile walking distance. The park will likely include children's play equipment, outdoor basketball court, un-programmed turf play area, accessible pathways, drinking fountains, picnic tables and benches.

Bailey Hill Apartments PUD
Supplemental
Tentative PUD Application Narrative

EC 9.8310 TENTATIVE PLANNED UNIT DEVELOPMENT GENERAL APPLICATION REQUIREMENTS

- (1) Phasing: The tentative PUD application shall include a phasing plan that indicates any proposed phases for development, including the boundaries and sequencing of each phase. Phasing shall progress in a sequence that promotes street connectivity between the various phases of the development and accommodates other required public improvements.

The proposed development will be constructed in two distinct separate phases. The Phase One development will include the Tentative PUD approval for the overall development, the Final PUD approval of the 12.31 acre multiple family apartments and the construction and completion of the 252 apartment units. Final Approval for Phase One will be completed immediately following the Tentative Approval. The Phase Two development will include the Final PUD approval and development of the City of Eugene Public Park. Final PUD Approval for Phase Two will be completed within Ten years of the Tentative Approval. The phase line is shown and noted on the Land-Use Site Plan, drawing A0.1.

EC 9.8320(11)(j) PROPOSED MODIFICATIONS

There are a few proposed noncompliant items that are consistent with the purposes and goals of the Planned Development. They are as follows:

EC 9.2750 (2)(3), Building Height:

As allowed through the Planned Development Review and Approval, a modification is requested to the maximum allowable building height of 35 feet to the roof peak. The proposed height of the highest portion of the building is approximately 40'-4" to the building roof peak. A modification in the allowable building height is therefore being requested.

EC 9.4250 (2)a, EC 9.5500(4)(a) Minimum and Maximum Setbacks:

There are 17 buildings proposed for the development. EC 9.5500 requires that all buildings be oriented to the street frontage, and EC 9.4250 requires they be located within the maximum setback from the street. 13 of the 17 buildings proposed meet this requirement. Building E has a portion of the building in compliance and a portion that is not due to the parking and vehicle circulation configuration. There are two buildings (building M and N) that provide their primary orientation to the future park in lieu of the street frontage. The park fronting buildings provide enhanced views to the open park space and in balance is more beneficial to the residents than street facing orientation. Building K is also not in compliance due the parking and private roadway configuration and it orientation to the Amazon channel natural feature. As addressed in EC 9.8300(1) and (2), the proposed modifications allow for the clustering of the dwellings, achieves the minimum density and minimizes the extent and amount of roadways. In balance the proposed modifications provide residents and equivalent living environment.

EC 9.5500(4)(b) Street Frontage:

EC 9.5500(4)(b) requires that buildings occupy 60% of the public or private street frontage within 10 feet of the front property line. The proposed site plan is in substantial compliance with this requirement, however other sections of the code require articulation to the building facades. As a result of this articulation, portions of the buildings are more than 10 feet from the front property line and therefore the 60 % frontage is not met. The proposed site design meets the intent of EC9.5500(4)(b) and the majority of the buildings fronting on the public and private streets creating the urban neighborhood environment. As previously addressed in the section above buildings M and N are not fronting the private street, however they front the future city park providing a more desirable living environment. The proposed non-compliant modification meets the overall intent and yields a desirable living environment and neighborhood character as intended in the Eugene Development Code sections EC 9.5500(4)(b).

EC 9.5500(5)(c) Upper Story Building Entrances:

EC 9.5500(5)(c) requires that the entrances to upper story units be within the interior of the building. The proposed building designs have breezeways that contain stairways to the upper level units. These breezeways are enclosed on two sides and are covered with roofs. The main entrance to these breezeways face the street frontage and have architectural design elements that clearly define this as the entrance to the upper level units. The building codes recognize these as interior corridors and are required to be constructed as such. The proposed alternate design meets the intent of EC 9.5500(5)(c) enclosing the upper level unit entries.

EC 9.5500(6)(a) Building Mass and Façade:

As previously addressed, buildings B, C, E, G, K, L, M, O, Q exceed the maximum allowed length. The proposed design provides substantial relief and articulation on these building elevations minimizing the impacts of the greater length. Additional gable forms, roofed lower level entries and siding material changes provide additional relief on the elevations. This is in keeping with the goals of a PUD as addressed in EC 9.8300(1)(C), providing a variety of building types.

EC 9.5500(10)(a) Block Requirements:

As previously addressed, the site configuration, site access and adjacent natural features preclude the overall site plan from fully complying outright with the block area limitations. The proposed site plan effectively provides the block layout that is no greater than four acres with the exception of the outer perimeter of the site. The location of drive aisles effectively breaks the out loop into smaller sections but does not literally comply. A modification is therefore being requested.

EC 9.5500(11)(d) Setback Sidewalks:

EC 9.550(11)(d) requires sidewalks along private streets be setback from the street. The proposed development has setback sidewalks adjacent drive ails but where on-street parking is located sidewalks are proposed to be curbside. This is proposed to accommodate access to the on-street parking. Street trees are proposed to be planted adjacent the sidewalks between the sidewalks and the buildings. This modification provides safe convenient access to the on-street parking yet maintains the safety of setback sidewalks when they are adjacent the drive lanes without the buffer of on-street parking. Utilizing the available on-

street parking to maximum extent possible allows the overall development to meet the minimum density requirements and minimize the extent of traditional parking lots associated with multiple family developments.

EC 9.5500(12)(c) Limitation on Parking Frontage:

EC 9.5500(12)(c) prohibits parking from being located between the building and the front property line. As noted above, there are two buildings (building M and N) that provide a primary orientation to the future park in lieu of the street frontage, resulting in the parking being located between the building and the street frontage. The park fronting buildings provide enhanced views to the open park space and in balance is more beneficial to the residents than street facing orientation.

EC 9.8330 SITE ALTERATION

As a part of the Phase One Tentative Approval, the applicant is requesting that the Hearings Officer permit preliminary sitework to be completed prior to the Final PUD Approval. The scope of site work to be included in this request is continued clearing, rough grading and filling of the apartment site from the new West 13th Right-of-way northward toward the Amazon Channel. The wetlands delineation and mitigation has been approved with the West 13th PEPI improvements and the existing tree survey and preservation plan has been completed as a part of this application.



Zach Galloway, Associate Planner
Eugene Planning Division
99 West 10th Avenue
Eugene, OR 97401

RE: PDT 13-002

Zach:

As a follow-up to our phone discussion earlier this week, I am submitting this letter to formally request a specific expiration date for the tentative PUD approval for the park site that is included in PDT 13-002.

As indicated in EC 9.7340(3), the tentative approval expires 18 months from the effective date of the tentative approval in the absence of a specified date. Because the default 18-month period will be insufficient, we are requesting that the expiration date for tentative approval be specified as the date 10 years from the effective date of the tentative approval.

Our request is based upon our current perception of the range of time within which we expect to be able to proceed with master planning and construction of the park, as influenced by the availability of capital funding for planning, design and construction, as well as funding for on-going operations and maintenance for the park following construction. We believe the requested 10-year period allows sufficient time and flexibility to address these funding needs that will be ultimately tied to our being ready to pursue the final PUD application and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil Björklund". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Neil Björklund
Parks and Open Space Planning Manager

Informational Items

Public Works Department

- An erosion prevention permit will be required prior to any ground-disturbing activities that would result in large quantities of sediment leaving the construction site.
- Example language for the floodplain declaration is included below. Alternative language must be submitted for review.

AS OF THE RECORDING DATE OF THIS PLAT A PORTION OF THIS DEVELOPMENT SITE LIES WITHIN THE SPECIAL FLOOD HAZARD AREA ZONES 'AE' AND THE FLOODWAY AS DETERMINED FROM THE ADOPTED FLOOD INSURANCE RATE MAP NUMBER 41039C AND PANEL 1117. THE FLOOD INSURANCE RATE MAP HAS AN EFFECTIVE DATE OF JUNE 2, 1999. NO DEVELOPMENT IS AUTHORIZED WITHIN THE FLOODWAY. THE BASE FLOOD ELEVATION HAS BEEN DETERMINED TO BE 396.4 FEET 1929 NGVD PER THE ADOPTED FLOOD INSURANCE STUDY.

Questions related to the floodplain or floodway boundary, floodplain declaration or other questions related to development within the floodplain should be addressed to Quentin Blattler at (541) 682-8130.

- The proposal to plant trees in the future public right-of-way (see Sheet L1.1) is conceptually acceptable, however prior to planting the trees; the applicant shall obtain a Street Tree Planting Permit, for which there is no fee, from Urban Forestry.

Building Permit Services

The following items are informational and do not have to be addressed at this time. Review of the individual buildings and site work will be under taken as part of the building permit process. Since this building permit referral does not cover a complete review of the proposed buildings and site for compliance with building codes, changes to construction plans may require subsequent changes to the PUD approval.

- Identify the occupancy and construction type of each building. The R1 designation on sheet A/0.0 is not consistent with the use per Oregon structural Specialty Code. Current code would classify an apartment as R2.
- Plans shall include a completed coda analysis for each building.
- Terminology on the submitted drawings shall be consistent with current building code terminology. The documents reviewed identify area separation walls rather than Fire Walls.
- The site plan shall show the assumed property lines between building for such items as fire separation distances and distance of exit stairs to the property lines. It appears that a

number of exit stairs terminate closer than 10' to the property line which would generate changes that may impact the placement or design of the buildings.

- Buildings on adjacent property with 15' of the property line shall be shown on plans for review of Oregon Structural Specialty Code section 705.8.6.
- In accordance with EC 9.6725, the applicant shall confirm compliance with the outdoor lighting standards. In order to address this requirement, the applicant shall submit an Outdoor Lighting standards form to meet EC 9.6725 at the time of building permit submittal. (Forms can be obtained from City staff at the Permit and Info Center or [online](#)).
- Signage for the site is regulated by the residential sign standards contained in Eugene Code 9.6650. Maximum sign height is 5 feet and maximum sign area for a multiple family dwelling project is 12 square feet per sign. One sign is allowed per development site for each street frontage. The applicant's plans show the proposed location of 2 freestanding signs but no detail is provided on height or sign area. Absent a proposal for unique signage standards within the PUD, the applicant will comply with the code requirements of Eugene Code 9.6650.

EWEB

- Additional easement width may be necessary around electric transformer and loop feeds must be provided.
- EWEB-owned water facilities will be located in the right-of-way or a minimum 7-foot wide public utility easement (PUE) adjacent to the right-of-way or a minimum 14-foot wide PUE when not adjacent to the public right-of-way.